App. F IX-4

1927.

File No. 117-27

Previous References (Annl)

Serial Nos. 3, 4, 125 ; 21

Later References
Annl 117-27
L B 132-37 to 738-45

General and Revenue Secretariat.

Serial Nos. Four

Part B for December 27

SUBJECT

Election to the Office of President & Vice President of the Assembly Council Dumka Town as

Party Candidates

Ref. No. 2650 of 22-12-27 the D.C. Dumka

Regrets that they are unable to approve of the above and are pleased to direct that a fresh election be held

Hdr 5/1/28

G.R.S. III—8]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D 7215

Petition dy 13-9-27
from Mr C. Lakshmana
Rao, advocate Rajahmundry
protesting against the
election of Mr B Siva
Rao as a member of the
Assembly from the last election

The petitioner
was a candidate
for election for the seat
in the 9th Assembly that
he failed on the ground
only of 38 votes while
Mr C. Lakshmana Rao who
got 46 votes was declared
elected. The petitioner thereupon
filed a petition in the
Dt Judge's Court on three
main grounds
but with the result that
he was declared to have
got 30 votes & against
57 votes got by Mr B Rao

The petitioner's second
contention was that the Dt
Judge had failed to

N.B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

G.R.S. III—8]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

enquire into certain
irregularities & errors on
the part of the returning
officer & requests that under
Section 22 (2) of the Ind. Regn.
some other officer may be
appointed to enquire into
the alleged irregularities
which are said to have
affected the elections unfavorably
He also requests that pending
orders on this petition the present
arrangements may be ordered
to be continued

2) That the recommendations
of the Secretary and Returning
Officer & Krishna Rajo as one of
the elected members has already
been notified but no specific
relief can be granted in petition
by saying that the present
arrangements should continue.

T 740
This is still [illegible]
for a date [illegible]
the [illegible]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this sheet.

The Dist. Judge has enquired
into all the alleged irregularities.
He finds & reports against the

G.R.S. [III—6]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

172 1927

G.R.S. III—8]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(W)

There is no need for Govt to interfere in the case as between the petitioner and the opponent the petitioner took the remedy open to him in law and failed because the seat

It seems however that there were some irregularities in connection with the election in which at any rate the opponent as President of the Municipal Council may or may not have used his position to secure votes for himself

The petition may perhaps be forwarded to the Dy Comr with a request that he may report after enquiry he considers necessary if there were such irregularities as alleged and what consequential purpose if any there was —

Jt Secretary

6) Laws apply and for Cases in which the Judge has not ordered the election void — the election seems to have been void, but the Judge has not ordered a new election, or declared the seat vacant. Law seems to be unsettled

Lee 20/9 Dew 21/9

Law Secy 23/9

23/9 1919

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

~~C/677/07~~

The Chief Secy desires that the file re: Tumkur Municipal Elections may be submitted to him at the Assembly to-day

Submitted to Ch Secy
7/10/07

Mr Forbes came & here. He has to be got from the Head Quarters
Ch
The file is put up
Ch
8/10

C-16727

36 d

G. R. S. III—3]

8 D 27

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

7) As desired by the Chief Secretary the file re the Turbur Town and Election is submitted the file CA had been 8/10 submitted for the Law Secretary It will again be seen by him after perusal by the Chief Secretary CA 8/10

9/10 8/10

Ch Secy

CHIEF SECRETARY'S 9 OCT 1927

9) Seen and returned for ~~early~~ 9/10 information please

10) For very early note on the point raised in the December minute above and return Bde

Mds 9/10

N B—Should routine notes be written on small slips the notes must be stuck, or slips pasted on this form

Law Secy 10/10

G R S III—3]

ROUTINE NOTES

[To be used only for notes, requisitions, etc not intended for permanent record]

N B Shouldroutine notes be written on small slips the notes must b cipoed or slips pasted on this form

General and Revenue Secretariat. | File No. | of 192

Serial No

Vol of Bk Acts

Qubq

1) The pet^rs pray in that the Govt may be pleased to appoint an officer to enquire into the alleged irregularities under Sec 22 cl 2 ||

2) Under Sec 22 (2) the St Judge or such other Judge may be appointed Govt Bengal into the despatch relating to elections

12 In the present case the St Judge of Bengal has enquired into the case Hence Govt have no power to appoint any other Judge to conduct the same enquiry

13 The pet^rs had two opportunities to bring the irregularities complained of they ought to have moved under Rule 8 to have the names omitted to be brought on the electoral Roll Secondly they ought to have specifically urged the pet^rs objections before the St Judge.

The omission to take these steps has resulted in the Electoral Roll being finally published

15 Hence the Govt may not be heard further in the matter

3129 — 15/10 (15 & 12)

1st Nov 15

Note—Contin. sheet

1st Nov 15 12 After we have considered further matter in view to discussing action further to Dec

8th 7-0 15/10

WD 0284—GYB—50,000—21-5-09

Incumbent) 21/10 Jayan 21/10

19/10 Dec 19 10

1215

App F III—2]

General and Revenue Secretariat | MC | File No 9 of 192 7

Serial No	
18	The reports called for from the DC will be awarded

22/10/27

NOTE—Contn sheet

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The formal statement
has to be amended

D 1474

Petition of next friend
The same reason Reports
contain irregularities.
the late elections of the
Trustees took place
that the elections of the
President & Vice Pres
the must be heard on
the appeal the order
heard on the hearing.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

1847/27

Petition dt 24-9-27 from Shri C. Lakshmana Rao on the Jammu Subject

D1473

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The D.C. has repeatedly promised to send a report on the objections made in regard to the election of the President of the Municipal Board. The petition dt 24-9-27 from C. Lakshmana Rao has now reminded the Local Government for which the report should be sent in connection with approval

D1215

8-9-27

Please remind Lambert to [illegible]

28/9

Law Secy

28/9

29/9

N.B.—Should requisite notes be written on small slips, the notes must be copied, or slips pasted on this form.

C 49/2

G.R.S. III—8]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

DEWAN'S OFFICE
Received on
11 OCT. 1927
Reg. No. 2519

Law Sec'y
Please see at Immediate

There are serious allegations,
& some legal remedy
should be possible
Please ensure Law
Secy & Colonel Hunter
attends

The file had been sent to the Law Secretary for opinion as to the action that could be taken upon the petitions of Messrs Lakshmanadas against the resolution thereon passed by the Chief's Council yesterday and is being sent again to Law Secy for remarks. It shall be put up again today or tomorrow at 2 p.m. by the same person who took it up.

Dewan's Office
Dewan's Office

N.B.—Should routine notes be written on small slips, the notes must be copied, or fitted pasted on this form.

G R S III—3]

Routine Notes

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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2123 p 27

App. F [III—2]

1709

Revenue Secretariat.

File No. of 192

Serial No.

Please bring up file in the case

Dft submitted for approval

3069

Member

Dft

By Home Dept

Send extracts of Secretary of State's order to Law Dept

Extracts of order to be sent

In extract of Secretary of State's order as passed submitted herewith. The extract may be sent to Law Dept. for perusal & returning file early

Dft

NOTE—Contn. sheet

JUDICIAL & REVENUE SECRETARIAT
9 OCT 1927
LOCAL SELF GOVT BRANCH

12

DEWAN S MINUTE

FILE No 192

DEWAN S OFFICE.
Received on
29 OCT 1927
No. Nellore No 2400.

1st Member with Compliments

The C Krishna Rao (Revd Y Municipals)
Complains that an enquiry & the D.C has
been ordered into allegations made & Mr Ranga
Iyengar, Lakshmana Rao, Shah Khan against
him which a lawyer pleader is pressing
appeal before the District Judge that the action
of your subordinate has come in the
Court The enquiry may perhaps be
delayed till the Court's decision has been
announced Man is another point the
Candidature in the Committee it is an
important one Steps for as the Govt-
justified in ordering an enquiry when
the Court of Law has found and the
Min same matter a Committee

29-10-27

Min
Mem points
Committee purposes
& withdrawn
29/10
Secretary 16/11

Min
Govt file two
sets of paragraphs
from,
The Hindu
Dtd 15.11.
29/10

P T O

D 1957
1709

App F III—2]

General and Revenue Secretariat — File No — of 192

Serial No 13

Ref Dewans memo D 29 10 27 at para 12 Supra the enquiry was ordered with reference to 281 members minute at para 3 with the Law Secys comments at para 4 Supra The present enquiry ~~does~~ relates to irregularities alleged to have occurred in the course of the elections which two Lakshmana Rao & others complain have not been enquired into by the Dt Judge (Please see linked files) The Law Secy may perhaps be consulted again with ref to Dewan's minute at para 12 Supra

MR
31 10 27

The papers are subt for perusal the individual cases of Messrs Lakshmana Rao, and Abdul Nabi Khan electors are not the subjects of enquiry now Those cases Coram were before the Courts

35/10/2/11

Not -Contn sht

WD 0321—PE—60 000—24 5 27

App F III–2]

General and Revenue Secretariat. | File No 1709 1457 of 192

Serial No.

DEWAN'S OFFICE
Received on
3. NOV. 1927

Action has now been taken on the complaint of a general meeting of ratepayers of the town that the preparation of the voters' lists was not all above board. The cases overlap but the complaint calls for an enquiry and the enquiry ordered may perhaps go on. It is also understood that the Amanuensis has practically completed his enquiry and that a report may be expected shortly.

First Member) 2/11

The President said he also understood that the enquiry, as directed in the Circular he had issued, however that no further action was taken pending the completion of the enquiry. He presumed this will be done before D.C. submits the report, if not it may be called for. Please submit to Dewan.

Hon 3/11 3/11

Dewan)

3629/5/11

Personal Private

Mg 3/11-27

Note—Contin. sheet

WD 0000—0000—0000—0000

5/11 3/11

15th 1927

App F III—2]

General and Revenue Secretariat | MA File No 9 of 1927

Serial No	
	Draft Board DS 8/11/27 A letter has been received from Mr Quantaraman & perused by Asst Member Please place that letter in the file and await final report - MD 14/11
	Mr VK 14/11

NOT —Contn heet

2214 f

App F III—2]

General and Revenue Secretariat | File No | of 192

Serial No

D.O letter dt 11 11 27 from the D C, Tumkur regarding the Tumkur Town Mal Elections

3863 12/11

The memo of points on which Mr Krishna Rao's explanation has been called for is enclosed with the D C's letter. The explanation and the final report may be awaited. In the meanwhile the D C's letter is submitted for perusal

12/11

First Member

Secretary

13/11/27

Br Compl Please on file

14/11

Secretary Compl

14/11

NOTE—Contn sheet

WD 0524—GPB—60 000—24 5-27

2186

[App. F III—2]

General and Revenue Secretariat. File No of 192

2186 PWD II

Serial No.

Letter No A 7-545 & 11th Nov 1947 from the Deputy Commissioner Bijapur forwarding his final report in the matter of the election of President & V. Pt of the Jamakhandi Town Mut Cl

Time by Com recommends Messrs C. V. Krishna Rao & T Gurusiddappa Chennabasappa as President & Vice President of the Jamakhandi Town Mut Cl

Draft Note is submitted for orders

Ch 14/11

Shall be apld The enquiry about mid election irregularities does not affect the election of President & Vice President. MW 15/11

Please state the point on which my opinion is required [and that with Corpts] By 15/11

1) First Member 2) Law Secy

WS RP 16/11

1) The point is whether a complaint regarding irregularities in the course of the preparation of the electoral registers or about which [illegible] is going on or any reason why the election of a President and Vice President in the Council should be held up My opinion is that of course, not. The favouring the Law Secy's opinion requested. MW 17/11

2) Law Secy

NOTE—Contin. sheet

WD 0311—3PS

2315 L

G.R.S. III—8]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Petition from electors
K Rangoon Bye and
Akyab Vols Thanks dis
bringing to notice
certain corrupt practic
and material irregularit
that took place during
the election of 6 Ward
Councillors of the Town Sub
Committee

21864

Copy of main file has
been sent to the Law
Secy for opinion on 17/4
Ms may also perhaps
be sent in Continuation

Ch 19/4 [illegible] 13 Nos. [illegible] this 19/4

(W) Law Secy

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G.R.S. III—6]

Routine Notes

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General and Revenue Secretariat. File No of 192

Serial No

[illegible]

[illegible]

15 There seems to be some misconception in the matter There is no provision in the Rules Corresponding to Sec 20 which applies only to the election of Councillors Under the rules the election of the President & Vice-President should be approved by Govt whether there is a contest or not (Vide Rule 4 (c) & Rule 9)

16 In the present case there is a Contest & D.C has submitted a report as required under Rule 9 with his opinion to Govt

17 It is for Govt to pass such orders as they think fit

The result of a departmental enquiry into the allegations of irregularities regarding the preparation of Electoral roll or any other matter connected with the election of Councillors will not in any way perhaps be considered by Govt in deciding the question of approving or disapproving the election After the Govt decides the question an order has to be issued.

18 / 25 Numbers

19 Dewan

Le 270 25/11

Nov 24-11 25/11/24

Notes—Contin. sheet

14 Nov)

D.O) because it will be expedient [illegible] both the Cases are [illegible] Cases should be [illegible] Has the [illegible] with Mr Hill Reb

General and Revenue Secretariat | File No | of 192

Serial No

Enfo to secn rec? Ofmor, asn &c
Whether Enfo was sent.

26/11

2) Ofc Secy to Govt Home Dept Please & Secy Legs

Legs to Member
Remind Dr for report
now due

Secy 2058 of 24/11/27

3) Reminder submitted
Ch 26/11 Rb

4) Dossie
now obtg

26 Nov
29-11-27

WAN'S OFFICE
Received on
29. NOV 1927
Dy No 35-75

5) No 11 1022 of 29/11/27 from the Dy Secy Govt of Bombay Home Dept stating that the record and the report to Govt will be in 3 or 4 days

7) Submitted for favour of perusal with reference to para 2 of the note.
(Hon'ble Member)

4502 1/12

Ch 2/12
Opy Please submitted as desired

2/12

8) DO letter No SI-1022-27 dt 7 12 27 from the Dy Secy Govt making the report

Note—Contin. sheet.

General and Revenue Secretariat | File No | of 192

Serial No 30

The letter from the Dy Comr is ouhd for perusal There seems to have been a number of irregularities in connection with the preparation, printing, and publication, of the voters lists It is not clear that all of them were intended to help the returning officer - President or the assistant the Vice President nor that the leaders of the other party were unaware of the changes in the lists made from time to time and could not have objected earlier The camcal staff seems to have been somewhat indifferent as to what was published as the voters' list The trouble arose only when the more prominent members in the opposing party lost in the election and traced the failure to certain omissions, additions, and transfers from division to division of voters on their side and on the returning officer's side

31 The explanations of the President and Vice President do not completely clear such suspicions as their opponents want to fasten them

NOTE—Contn l eut

GPB—60 000—24 5-27

General and Revenue Secretariat | File No | of 192

Serial No

32 The irregularities are undoubtably there. They have in some instances been of advantage to the Officers responsible In the circumstances it is reasonable to think that they were intended to benefit those responsible The President and Vice President should therefore be considered to have made use of them portion to add to their numbers on their side and reduce the numbers on the other side by handling official records in an improper manner

33 The elections stand valid as these irregularities could by legal means have been remedied by the parties affected earlier and as these parties by failure to make such remedies are themselves responsible for any loss they have suffered The Municipal Council of Timbaru should therefore remain constituted as already notified

34 As regards the election of the same last four Members as Members for

NOTE—Contin sheet.

General and Revenue Secretariat. | File No | of 192

Serial No.

and Vice President however the position is not equally simple These gentlemen may not have meant any harm but surely did things which attach a suspicion to their motives They would be looked upon with suspicion by a distinct section of the population of Travancore next year Mr Ch. There might be any number of petitions against them, should they again be made President & Vice President, alleging all kinds of irregularities After what has been now reported Govt could not feel any certainty that there was no ground for the allegations that may be made ~~by~~ the two persons concerned themselves, the position would by no means be pleasant There would also be in future a thorough want of understanding between the Dy Comr and the Asst President All this, if the two gentlemen are approved as President & Vice? for another term

3rd Nor would it be desirable

NOTE—Contn. sheet.

General and Revenue Secretariat | File No | of 192

Serial No

to ~~at least~~ refuse approval only to their election and ask the Council to elect any one else, now to nominate any other non officials as President and Vice Presidents The place is apparently full of strife at present on the spot and any step placing a non official gentleman in power as it will be conceived would in all likelihood make for worse strife

2) The best course seems to be to withdraw the privilege of electing the President and Vice President from the Bd of Commr temporarily and leave the Dy Comr as President and give him a Chief Officer and appoint one of the Asstt Vice Presidents

For personal and orders

MD 10/12

3) General Secretary
First Member
Dewan

NOTE—Contn sheet

WD 0324—GPB—50 000—24 5 27

General and Revenue Secretariat | File No | of 192

Serial No

35 I am afraid the Suggestion of the Under Secy cannot be accepted. Now Objection was to punish the Tanjore Municipal Council, it would be all right to withdraw from it the powers of Chairman President & Vice President But that is not the object

36 We are concerned now with the Conduct of Messrs Krishnappa and Ganachannabasavayya of the Nachiappa Street In taking it from the records, it is clear that a good deal - if not all - of the irregularities obtaining in State Check proceedings are due to Messrs Krishnappa & Ganachannabasavayya and the irregularities have also been of a nature calculated to improve their Chances in their Contest for the place of President & Vice President for the ensuing of the Board of Municipal administration It seems to me that Govt should take strong notice of the misconduct of these two gentlemen & set aside their election

37 Govt can, I think, interfere with these elections in one or both of two ways —

(1) Under rule 10 of Notfn No d 6342 D 28 2 25-1

(2) Under rule 9 of the above notfn as also rule 8 of Notfn No d 3055 3056 D 26 11 27 which supersedes the above Notfn

NOTE—Contn sheet.

WD 0321—GTB—60,000—21-5-27

General and Revenue Secretariat. | File No | of 192

Serial No

(1) Under rule 10 of notfn no L 6342 dated 28.2.25, the election of a President or Vice-President requires the approval of Govt. Thus powers previously reserved to Govt in a later notfn Vol 2 no L 3056 dated 26.11.27 which supersedes the 1925 notfn. If this election is to be decided by the rules contained in the notfn of Feb 1925, Govt can veto it. Under a power specially reserved for them by the rule of the notfn of Nov 1927 apply to the case, Govt cannot do so.

(2) Has the Tuticorin election been held in September 1927 when the rules in force were those contained in the 1925 notfn. That a different set of rules had been framed by Govt by the time the Madras Corp. elections took place does not seem to bring the Madras case under the rules exempting in respect of procedure in respect of the substantial power of Govt to veto an election. It seems to me Govt can act under rule 10 of the 1925 notfn and declare the election void.

(3) In case however, legal opinion is against this view, it seems to me

NOTE—Contn. sheet.

General and Revenue Secretariat | File No | of 192

Serial No

that Govt can act under rule 8 of Notfn No L 3035 dated 26 11 27 which merely embodies rule 9 of the 1925 notfn and gives power to the Govt to decide whether on whom about the validity of which objection if any has been said shall by the Dy Commr will not valid finally for such case, the election has been contested, an inquiry has been held by the Dy Commr and the records sent to Govt. Though the D C holds that, on the grounds on which the election was contested, there is no reason to set aside the election, he finds that Messrs Krishnappa & Gurushanthappa have been guilty of negligence, carelessness, and violation of election rules he also suggests that "some notice though different may be taken" by the Govt which shall prevent the recurrence of such cases in future.

If any notice is to be taken

If the Govt does not consider it necessary to take any notice of the irregularities pointed out by the D C

RB 13/12

I am of opinion that no notice should be taken of the irregularities pointed out by the D C

Dy Secy to Govt
Legal Remembrancer

RB 13/12

43 I have gone through the report of the D C as well as the explanations of the Election Peon from the circumstances of the case, I am led to the conclusion

NOTE—Contin sheet.

WD 0284—SPB—50,000—21-5-27

General and Revenue Secretariat. File No 117 of 1927

Serial No.

That both the President-in-Council and Vice-President-in-Council have taken undue advantage of their official position & caused committed several irregularities in the preparation of Electoral Roll, & in printing & publishing the same, & that these irregularities which amount to illegality, were intentionally caused with a view to deprive the voters of their legitimate right of exercising their franchise by illegally omitting their names in the list & to derive substantial benefit of getting themselves elected to the Council by adding names unauthorisedly to the list who are were their adherents —

4b The explanation of the Minister regarding the doubt he entertained as to the operation of Sec 12 (c) of Reg. IV of 1926 is ingenious inasmuch as he purposely ignored the expressions used in the repealed section into the new section of this to throw a doubt in support his unauthorised action

He was told a lie when he says that the list was duly published on 1st April 27

His Statement was directly contradicted by the Head Clerk of the records below his Statement

His conduct in making entertaining time-barred applications & adding new names to the list approved by the Council, is very suspicious

NOTE—Contin. sheet.

WD 6281—6PB—60,000—24 5-26

30/4/927

App F III—2]

General and Revenue Secretariat | File No | of 192

Serial No

The cumulative effect of the actions of the President & vice-President in the matter is that they are unfit to hold any position of trust

48 Next question for consideration is whether the rules of 925 apply to the case or the rules of 927 apply

49 It is a fundamental principle of law that a new rule has no retrospective effect so as to take away the vested rights of parties

Rule 6 of Rules of 1925 enacts that the election of a President & vice-President of a Town Municipal Council shall be subject to the approval of Govt

50 It is therefore a substantive right possessed by Govt to either approve the election or to veto the same without giving any reasons therefor

51 In my opinion the rule applies to the case of the 1st as it is a fit case for exercising the right to veto the elections brought about by nothing short of fraud

NOTE -Contn sheet

WD 0324—GPB—60 000—24 5 27

15/12

General and Revenue Secretariat

File No

of 192

Serial No

IN'S OFFICE
3995

Sir I agree with Sir Lees Law Secretaries that the Post of the VP of the Trinidad Municipal should be given powers when preparing & publishing the Electoral Lists so as to keep themselves & their friends The addn of 4 names to Division No V under the suspicious Circumstances of the Striking out of the names of certain qualified voters, & absence of due publication of Notices have prepared are suspicious leading the best of the Letters Members & Endorsers their Suggestions [illegible] also highly unpalatable.

(4) The simplest plan would seem to be to order the Registration Officer to inform the Municipal Council that the Members have struck out of their elected the same persons, but would use their power of veto & withdraw the privilege from the Municipality.

(5) Action is being taken separately to make the Rules clearer so as to minimise such cases as now Heard Objected to, & the Chairman Rules, have power to refuse to allow preparation of Electoral Lists to proceed

4962 16/12

NOTE—Continued.

W.D. 6421—(1) 60,000—24.8.07

Dowell

16/12 Amy 16/12

General and Revenue Secretariat | File No | of 192

Serial No

5 1st Memo

5048 20/12

Please bring up

Lee 21/12

5A Order may issue recalling the recall vetoing the election.

Lee 21/12/27

5B Draft by D Board for consideration

5C 6D The CW has been asked to submit 21/12/27 a written person as he seems to have been present when the matter was discussed between the Genl Secy, Law Secy and a Member

6A Genl Secy) Genl Secy 21/12

6B Secy Genl Secy — Issue DFT as settled

21 L 2650 D 22/12/27

Draft submitted with reference to para 5A of the note

Ch 28/12

NOTE—Contn sheet

P T O

WD 0824—GPB—60 000—2f 5-27

Routine Notes

[Forms used only for routine instructions, etc., not intended for permanent record]

b3 The fair copy of the order re the election of Mesdt and Vice Presdt of Tunisian Farm Nat Cl is now for perusal before issue

The Genl Secy revised the draft but thought it desirable that the form of order sho have the Member's approval

Mw refer

Asst Secretary

64 Nov 7.17

Ref L 3650 of 22/12/17 re Dr Tunisian branch & fresh election

b5 Draft submitted with reference to para 64 of the Note

Ch 28/12 24 27/12

N.B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form

B 27/12

b6 The Under Secretary was pleased to say that the intimation has

Routine Notes

To be used only for notes, requisitions etc., not intended for permanent record.

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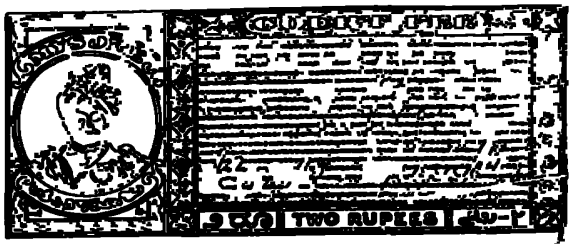


Before the Government of His Highness the Maharaja of Mysore, Bangalore.

Petitioner	Opponent
C Lakshmana Rau, advocate, Tumkur.	C Krishna Rau, advocate, Tumkur.

The petitioner respectfully begs to state as follows:-

1. That the general election for the 10 swats of the Tumkur town Municipal Council took place on 2-8-1927 and that the petitioner contested the seat in the 9th Division along with the opponent, who happened to be the sitting member for the division.

2. That the opponent further happenened to be at the time the non official president of the Municipality and as per election rules published in March last, the president of the Municipality is to be the Returning Officer for the elections, who must prepare the electoral rolls and arrange for the conduct of the election, and further be the scrutinying officer also - so much so that he had the entire charge of the election from start to finish.

3. That at the election held on 2-7-1927, 102 votes were polled in the 9th division and the votes were scrutinied that very afternoon under the direction of the opponent. The opponent declared 18 votes to be invalid and out of the remainder he declared that he had 46 votes and that the petitioner had 38 votes.

4. That after this the petitioner coming to know that most of the rejected votes had been wrongly declared invalid and further that there were serious breaches in the observance of the election rules in that no preliminary voters' lists were even prepared and that only a so called final list was prepared just about a month before the election and published some 10 or

later and that a number of voters who were in the old list had been purposely omitted in the new list and further that a number of people who ought to have been included had been omitted to be included for the simple reason that petitioner was likely to have their support and further still that the opponent, in order to secure his seat went and told a number of voters that he would be easily able to know who had voted for whom and thus put moral intimidation on a number of them and secured their votes , he filed a petition in the District Judge's Court, Bangalore under section 22 of the Municipal Regulation, a copy of which is hereto attached, challenging the election on the above grounds

5. That the learned District Judge after a fresh scrutiny found that 17 out of the 18 rejected votes were really valid and gave out of these 12 to the petitioner and 5 to the opponent declaring that one was invalid on account of ambiguity. The result of this was that the learned District Judge declared that the petitioner had 50 votes and the opponent 51 votes, only one more vote than that of the petitioner. The vote rejected by the learned District Judge , the petitioner humbly begs to submit, has wrongly been rejected as will be apparent from a perusal of the copy thereof produced herewith.

6. That after the scrutiny, the learned District Judge posted the case for arguments regarding other matters which remained to be enquired into, heard arguments on 23-8-1927 and pronounced orders on 1-9-1927 declaring that the section vested in him jurisdiction on only two points; viz, (a) a fresh scrutiny of votes, (b) enquiry into alleged corrupt practices of the candidates and their agents, and that the petitioner had the benefit of one and had waived his right regarding the other, and in the result he confirmed the declaration already made by the opponent that he was the candidate duly elected for the 9th Division. A copy of the order is hereto attached for reference.

7. That section 22 of the Municipal Regulation clearly gives jurisdiction to the District Judge or such other officer as the Government may appoint in this behalf, jurisdiction to go upon

three points, not two only, viz, (a) fresh scrutiny, (b) enquiry into corrupt practices of candidates and their agents, (c) enquiry into irregularities and errors on the part of returning officers and their ~~xxxxxx~~ assistants. That jurisdiction has been given to go into the 3rd point also has been made amply clear in the recent amending Regulation (VIII of 1927) passed in April last, wherein any explanation has been added to clause5 ofcsection 22, the object of the amendment having been to clear doubts on the part of the enquiring officers regarding this very point.

8. That the learned District Judge has in consequence failed to exercise a jurisdiction clearly vested in him by law, thereby denying a relief which has been provided for in the Regulation to the petitioner, in that he has erred in holding that sub section 5 of section 22 is only explanatory or ancillory to sub sections 3 & 4 which only deal with corrupt practice of candidates and their agents.

9. That sub section 2 of section 22 lays down that the decision of the District Judge shall be conclusive and hence petitioner has now been left without a remedy, as even the revisional jurisdiction of the Honorable the Chief Court has been declared not to be available to him in 30 Mys Chief Court Reports 1.

10. That in the result petitioner has thus been seriously handicapped in that what the legislature has given him has been denied to him by the only officer who has been authorised to grant him relief.

11 In these circumstances the petitioner prays that under sec 22, clause 2, the Government may be pleased to appoint some other officer to enquire into the irregularities and errors of the opponent, which have seriously affected the result of the election in that petitioner who should have been returned with a large majority has been declared to have lost, and the opponent who was the returning - officer- candidate, and who does not command the confidence of the majority of the voters, has managed to declare himself elected.

12. Further petitioner humbly begs to submit that the real effect of the decision of the learned District Judge has been to a perso

can with impunity have the benefit of his fraud - a
eiple which is against all recognised canmons of justice, equ
ty and good conscience

13 The petitioner has further herewith produced a l
people who ought to have been included in the voters' list
who would have mostly given their votes for the petitioner
also a list of voters who have been included in the list of
-ters who should not have been included therein, just to show
how the result has been materially affected If only the op-
ponent had published the priliminary list and called in claims
and objections these defects would certainly have been got
remedied by the petitioner and the parties concerned

14 Petitioner further begs to submit that since the old
president, i e , the opponent amd the old vice president
again managed to get themselves re- elected for the posts,
through the help of the partisan nominated people who all
belong to their group and for whose nominations they have work
ed, they will in all probability make it very difficult for
the petitioner to prove the irregularities and omissions and
so petitioner respectfully prays that the elections be not
approved until this petition be disposed off and that the
present arrangement may be ordered to continue till such time.

Chakrumane
13-9 [illegible]

In the Court of the District Judge of Bangalore Division.

Dated Bangalore, 1st day of September 1927

Before:- G Satyaji Rau Esquire B.A.,B.L.
District Judge.

Miscelaneous Case No 3 of 1927-28

Petitioner	Opponent
C Lakshmana Rau	C Krishna Rau

Petition under Section 22 of the Mysore Municipal Regulation praying that the votes may be scrutinised and the petitioner declared duly elected as the member for the 9th division of the Tumkur Town Municipal Council in lieu of the opponent.

This petition coming on for further hearing on 24-8-1927 re other points that were for enquiry and after hearing the arguments of Mr H Venkataramayya, advocate for the petitioner and Mr H V Narayana Rau, advocte for the opponent , the court pronounced the follow -ing order:-

For the sake of convenience and speedy disposal, the arguments that led to my order dated 15-8-1927 were confined to the matter dealt with in sub section 3(b) of section 22 of the Mysore Municipal Regulation. After hearing arguments addressed at length by the learned counsels on both sides I scrutinised the votes which had been rejected as invalid, found how many of them were valid votes and assigned to each of the parties such votes as he was entitled to The result was that the opponent was found to have one more vote than the petitioner. As it was stated that there were other matters for enquiry I did not pass the final order declaring the opponent as having been duly elected. On 23-8-1927 I heard the counsels regarding any other matters which remain to be enquired into by me under Sec 22 of the Regulation

2. The counsel for the petitioner stated to the court on 13.7-1927 that at no place in his petition he had made allegations coming within the meaning of sub-section 4 of section 22 and that he did not take

his stand under sub section 4 of section 22 So any enquiry relating to the matter referred to in sub section 3(a) has been waived by the petitioner. So the only point is whether I have got to hold any enquiry under sub section 5. This sub section as it stood prior to 7-4-27 only served the purpose of a saving clause as against any error, irregularity or informality not corruptly caused by the officers charged with carrying out the rules framed under clause (c) of section 11. But there was an amending regulation passed on 7-4-1927 under which an important explanation has been added to sub section 5 of section 22. The explanation is to the following effect:"The expression error in this clause does not include any breach of or any omission to carry out or any non-compliance with the provisions of this regulation or rules made there under whereby the result of election has been materially effected".

But the sub sections 4 to 6 or only subsidiary or explanatory provisions to sub section 3(a). In sub section 2 the scope of any enquiry by this court is limited to the matters contained in sub section 3. As stated above I have decided the matter referred to in sub section 3(b) and the petitioner has waived his right to any enquiry under clause (a). So I hold that there is no other matter left for enquiry. The matter contained in sub section 5 together with the amended explanation is only supplimentary to the matter contained in sub section 3(a).

Lastly there is no prayer in the petition for setting aside the the election as a whole on any ground.

I therfore declare that the opponent has been duly elected.

(Signed) G Satyaji Rau.

District Judge 1-9-1927.

In the court of the District Judge of Bangalore

Election Petition No 3 of 1927-28

Petioner	Opponent
C Lakshmana Rau	C Krishna Rau

The petitioner begs to state as follows:-

1. The election of councillors for the 10 divisions of the Tumkur town municipality was held on the morning of 2nd July1927 and results were declared that very evening.

2. The petitioner and the opponent were the 2 candidates that contested for the seat in the 9th division.

3. At the decleration of results at the General Meeting of the old council, presided overe by the opponent, it was declared that 102 voters had voted, out of which 18 were invalid votes. Of the remaining 84 votes, 46 were declared to have been in favour of the ppponent, and 38 were declared to have been in favour of the petitioner, and as such the opponent was declared to have been duly elected.

4. Petitioner begs to challenge the election on the following grounds.

(1) The scrutiny of votes was not properly made Petitioner ought to have been declared to have got the largest number of votesc and as such duly elected.

(2) The opponent has wrongly and fraudulently influenced some of the voters to vote in his favour by virtue of the fact that he is the sitting president of the council and that he will continue to be so till the 2nd of next month and as such he is in a position to easily detect who has voted for whom. Through such illegal threats] he has secured some voted.

(3) The electoral role was not prepared in proper time nor was it published in the manner it ought to have been published. As a matter of fact petitioner was unable to know when it was published and he was able to get the list only some 20 days before the election. As such the petitioner was deprived of having a number of people who ought to be voters and who have not been included in the voter

voters' list being included therein which would have given petitioner a much larger number of votes The opponent has done all this just to secure his seat completely and to avoid being unseated.

Petitioner therefors prays that the matter be gone into and the petitioner declared duly elected as the member for the 9th division of the Tumkur Town Municipal Council.

List of voters who have not been included in the list prepared byx the opponent

1 K S Raghavan, proprietor, Reliance Motor Service

2. H Srinivasa Iyengar B A , Retired Amildar

3. Mahamad Buran B A., School Master

4. B K Narasingh Bhan, Land Lord

5 Narasinga Rau, retired excise sub inspector

6 N R Srinivasa Iyengar, Veterinary Inspector

7 Madhava Rau, District Office

8 Krishna Iyengar, Pensioner

9. C R Raghunatha Rau, clerk, Amildar's office

10. Rangappa, Executive Engineer's office

11 P Ranga Char, District Inspector's Office

12 Nanjappa, Music Master.

13. G V Subba Rau, District Office

14	Thimmarayappa bin Hanumayya	cart tax
15	Narasappa bin Chickanna	cart tax
16	Hanumayya bin Sanjivayya	House tax
17	Hanumantha bin Kare Hanumayya	cart tax and house tax
18	Doddayya bin Garudi Chikkanna	cart tax
19	Rama bin Perumalayya	cart tax
20	Huchha bin Perumalayya	cart tax
21	Puttayya bin Goravayya	cart tax
22	Thimmayya bin Siddayya	cart tax

****

Persons included as voters but wrongly

1	Basappa, Municipal Contractor	no franchise in the division
2	Mr B Nanjappa	not resident of the town for the prescribed period

1473L

mlg-27-5

Before the Government of His Highness the Maharaja of Mysore, Bangalore.

Petitioner	Opponent
C Lakshmana Rau	C Krishna Rau

Petitioner humbly begs to state as follows in continuation of the petition filed by him on 13-9-1927

1. Petitioner has herewith produced a copy of the judgment in 30 Mys C C R 1, mentioned in para 9 of his original application, for ready reference

2. Petitioner further begs to submit that he has come to know that that the opponent and his Vice President never published a priliminary voters' list but that they prepared the lists of persons for each division separately, for some of the divisions only, and gave these lists to those voters whom they chose,- his division list only to each of the councillors selected As the opponent was the sitting councillor for the 9th division, the division for which the petitioner has been contesting, he never got any proper list prepared at all and that further he never published even to the councillors the list for the 9th division. As such there was no possibility of any of the voters knowing whether they were voters or no until the final list was published Even 4his list was not published in the Municipal Office but was sent only to the District Office and the Taluk Cutchery, so that the publication too was very novel and unsatisfactory. In these circumstances the petitioner has been materially prejudiced .

3. Petitioner begs to submit that the Government has the power reserved to itself to grant necessary relief ins in fit cases, under section 176 of the regulation and hhe petitioner prays that relief be granted to him by ordering a fresh election at least for the 9th division, for the following reasons,

(a)

(a) The existence of the previous election role has been ignored completely, the result being that prominent voters have been omitted

(b) The existence of the rules for the conduct of elections - published only a month previously to the time of the preparation of the voters' lists - has been completely ignored , the result being a whole class of voters have been prevented from exercising their franchise.

(c) To give an advantage to the brother of the Vice President who was a candidate for the 8th division, voters of Siddalingayyana Palya have been transferred to the 8th division, illegally and this has materially affected the position of the petitioner as the palya is in the 9th division and the people ought to have voted in the 9th division as they had done in previous elections.

(d) Non voters have been included as voters as their votes were certain for the opponent. This has been done intentionally as the petitioner understands

(e) The opponent was the President of the Municipality, and became the Returning Officer, and finally chose to be a candidate and exercised all his influence to gain his seat. Further he continued to be the President for a month and thus intimidated some respectable voters that he would find out for whom they had voted.

(f) No priliminary voters' list was prepared and published, thus preventing objections and claims being preferred as against the selection made by the opponent for his benefit.

(g) Even in spite of all this handicap the petitioner has only one vote less than that of the opponent, which clearly establishes the contention of the petitioner that he would have been the real representative of the voters if only the election had been conducted as per rules and by one not interested in it personally as was the opponent.

(h) The opponent and the old Vice President have both secured the benefit of all these manouvres by getting themselves into their old appointments and unless the Government irterferes, a serious

fraud such has been practised on the voters cannot be remedied

2 of 7 1937

30 Mys. C.C R 1

In the ~~Chief Court of Mysore~~ Honorable the Chief Court of Mysore

Civil Revision Petition No 71 of 1920-21

Petitioners	Opponents
Sadasiva Rau and eight others	The City Municipality, Bangalore and another.

Municipal Regulation VII of 1906, section 22(2)- Election - District Judge holding enquiry - Jurisdiction - Civil Procedure Code, Regulation III of 1911, section 115 - Revision - Chief Court Regulation, section 10 - Supervision.

The proceedings of a District Judge trying an election case under section 22(2) ofthe Municipal Regulation VII of 1906 are not the proceedings of a civil court and the Chief Court cannot therefore supervise or control them under section 115, Civil Procedure Code, or under section 10 of the Chief Court Regulation.

Balaji Sakharam v Marvanji Nowroji, 1895 21 B 279 & President, City Municipal Commission v Chitambar Shahuji 1906 11 Mys C C R 185 referred to

MR M Ramachandra Rau for the petitioners

Mr M Ramaswami for the first opponent.

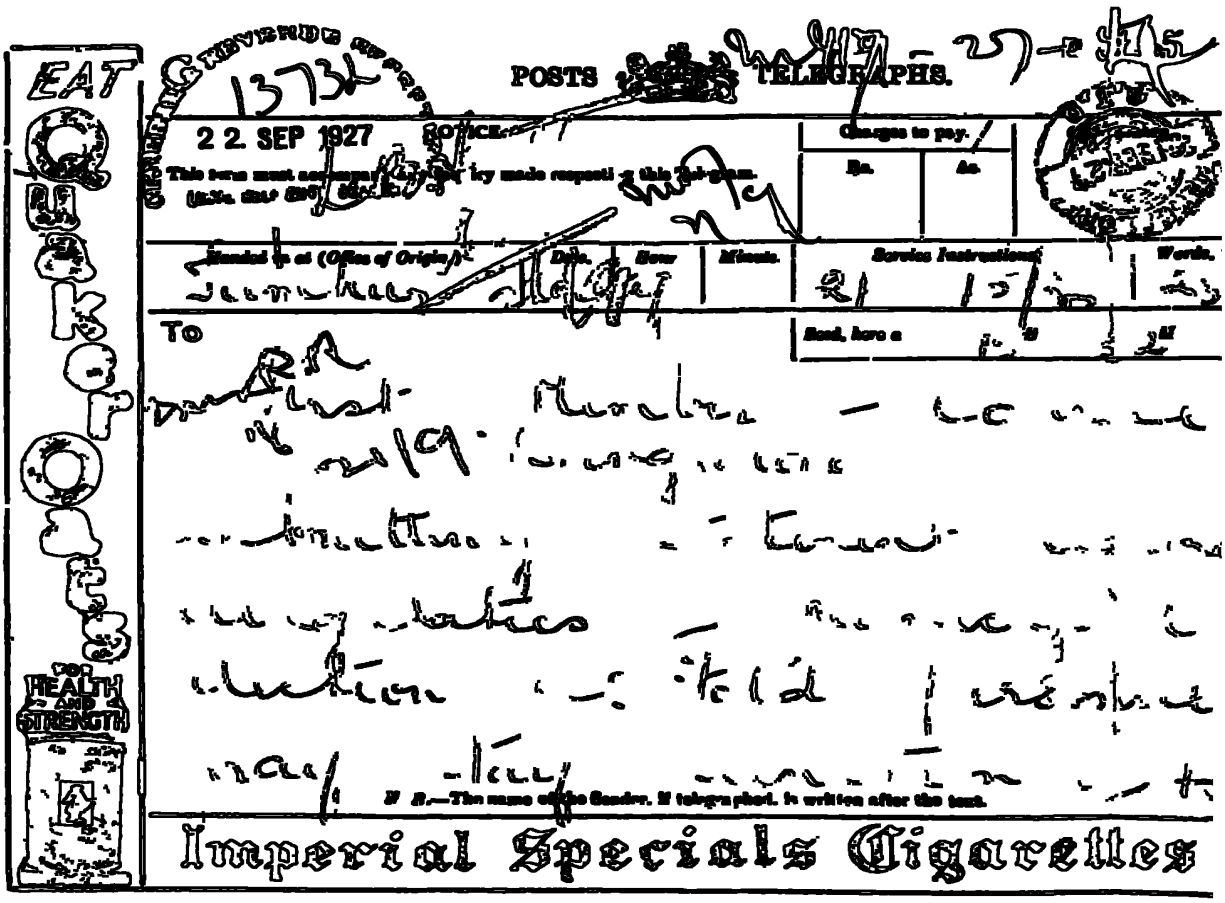
Mr H V Narayana Rau for the second opponent

The fdllowing is the order of the court pronounced by Miller C J.

A priliminary objection has been taken that the case does not fall under sec 115 and we cannot interfere That has been so held in Balaji Sakharam v Marvanji Nowroji,(1895) 21 B 279, construing a similar provision to that in section 22(2) of our Municipal Regulation, and the Bombay case was followed in this court in President, City Municipal Commission v Chitambar Shahuji(1906) 11 Mys C C R 185, but not in an election case Apart however from authority it seems that the intention of the Legislature is sufficiently clear from the enactment The Judge appointed by the Government is given power to secure the attendance of witnesses " as if he were a Civil Court " , and to recover costs as if they were costs in a suit: this shows that the jurisdiction conferred on him is not that of a Civil Court, and if it is not, we cannot supervise or control it under sec 115 or under sec 10 of the Chief Court Regulation This view is strengthened by the fact that the section further enacts that the order is to be conclusive

We do not think that the decisions cited before us of this or other courts on other enactments are of much value to us in construing Clause 22(2) and we do not discuss the authorities referred to by Mr Rama Rau

We dismiss the petition with costs.



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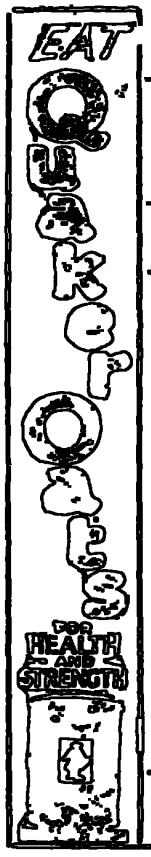

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27 SEP 1937

Before the Government of His Highness the Maharaja o

MYSORE.

Mis.Petition No of 1937-38

Petitioners- 9nl 9-27—56

Abdul Habithan , Manly Merchant,

Representative Assembly Member,

TUMKUR

The petitioner begs to state as follows -

1. The elections of 15 Councillors for the Tumkur Town Municipality took place on the 2nd.July 37

2. The petitioner was a candidate for election to the 5th division ,his opponent being one Mr Narayan.

3. The President of the Municipal Council at the time of preparing the electoral roll was Mr. C.Krishna Rao who was also the returning officer and President of the Municipal meeting held on 2nd July 37

4. As a returning officer and president of the meeting convened to declare the results of the election he secured his own friends as scrutineers who fraudulently declared certain votes which should have been counted for the petitioner as invalid, and President of this meeting Mr C.Krishna Rao rejected the scrutineers and declared against the petitioner, because Mr Narayan was his client,partisan and supporter

5. Even though the petitioner demanded to see the votes the President Mr C.Krishna Rao along with the scrutineers refused to to show him the votes for fear their fraud would be detected.

6. The petitioner consequently files an election petition against Mr Narayan alleging of fraudulent scrutiny and

practice against Mr. Mir Hasan . This was his case No 1 of 7- on the file of the District Judge of Bangalore This case wa filed within 15 days as required by section 28 of the Mysore Municipal Regulation of 1964.

7 Again within two or three days after filing the first application and within ten days as required by section 28 (1) of the Mysore Municipal Regulation , the petitioner filed additional grounds questioning the whole elections on the ground that Mr C Krishna Rao who was the President and the officer who was respon sible for the preparation , presentation and maintenance of the electoral roll . Both the petitions filed before the District Judge are here with appended for ready reference

8. It was understood on both sides before the District Judge that the votes should be scrutinised first before proceeding with the other allegations in the petitions and in scrutinising the votes the District Judge held that the petitioner had got one more vote than Mr Mir Hasan and posted the petition for further hearing and a copy of that order also is appended for ready reference

9. The additional grounds filed before him were that the Returning officer should be made a party to the case in so much he as President and returning officer had fraudulently helped Mir Mr Mir Hasan to secure more votes by the addition of certain names who were not voters in the voters' list unauthorisedly and should also not observed the provisions of rule (1, 2, 3, 34) of the City and Town Municipal election rules No. 6473-mil 169-36-2, dated 15th March 1967

10. Mr C Krishna Rao as returning officer with his Vice-President Mr T Gurchannabasaviya have played a fraud upon voters in that they neither prepared an electoral roll as required by rule 5 (1) nor published the same

11. The District Judge was in duty bound to go into the

question of the nonobservance of these rules which is fatal to the elections and the petitioners is fully confident that if an enquiry is held, Mr.C.Krishna Rao's election itself will have to be set aside

17. It is a matter of common knowledge that Mr.C.Krishna Rao, who was the returning officer and who had the electoral roll in his custody, dealt with it as he pleased with a view to secure his own election to the 19th division against Mr.C.Lakshmana Rao

18. Mr.C.Lakshmana Rao who was a very strong contestor to Mr.C.Krishna Rao had also file a petition before the District Judge against the decision of the scrutineer and the President Mr.C.Krishna Rao, as in his case also both these latter played a most dishonest part, and as a result of scrutiny, Mr.C.Krishna Rao lost only one vote more than that was declared valid for Mr.C.Lakshmana Rao

19. Mr.C.Lakshmana Rao also had taken objection to the voters list on the ground that the same had not been published and prepared according to rules But the District Judge overlooking certain provision of the amendment rules that he had no jurisdiction to make an enquiry It is understood that Mr.C.Lakshmana Rao also has now applied to the Government

20 There is no doubt about the fact that Messrs C.Lakshmana Rao Krishna Rao and T.Guruchannabasaviah have manipulated the voters lists and thus have misused their position as trust also The latter with the connivance of Mr.C.Krishna Rao has even gone to the length of adding the names of several voters fraudulently into the voters list and have got new lists printed with additional names and have even laid extra money for the same purpose also.

21. Messrs C.Krishna Rao and T.Guruchannabasaviah were the President and the Vice-president respectively of the

they could to further their own interests and used the position they held to their own advantage and as a matter of fact the voters list of the 4th division was published only to Mr. C.Krishna Rao

17 Even after securing their own elections as Councillors Mr C.Krishna Rao and T.Guruchannabasavaiya used their official position to take promises from a few persons that they would give them their votes in the Council for Presidentship and Vice-Presidentship.

18 The irregularities and illegalities committed by them are so unworthy of their position that if their elections should now be confirmed there is every likelihood of their trying to tamper with records in the office and hence until the enquiry is complete the present elections of President and Vice-President shd should not be confirmed

19 Now that the learned District Judge has refused jurisdiction vested in him by law i.e. by section 33 of the Municipal Regulation, and as the Mysore Chief Court has held that ~~the Mysore Chief Court has held that~~ as the District Judge holding an enquiry under section 33 is a persona designata and not a Court and as such they could not issue the order under section 115 of the Civil Procedure Code the petitioner has to approach the Government to direct the District Judge or any other officer to hold an enquiry into the allegations made, a typed copy of the Mysore Chief Court decision is herewith attached for ready reference. (Mag Ch Ch Part I)

20. In order to gain his objects Mr C.Krishna Rao with Mr T.Guruchannabasavaiya have wrongly committed various irregularities in order to secure his own election and they are as follows:-

(1) Though the rules are specific that the electoral roll should be prepared and published at least four months before the date on which the terms of the Council expires in this case and of such

and on the corresponding date of each subsequent year ,i.e.before the 2nd.of April 1977 (vide rule 7) no attempt whatsoever was made till the end of May to start the electoral preparations of the electoral roll. As a matter of fact in no year was the electoral roll prepared and published for the three years Mr.C Krishna Rao was President of the Tenkur Town Municipal Council.

(b) No calender of election giving the various dates on which the publications and other things had to be done was prepared and brought up before the Municipal Council.

(c.) Even before the election held on 2nd July 1977 no voters' list was published anywhere till after the 15th.of June as the lists came from the printers' office to the Municipal office only on the 15th of June 1977.

(d) The imperfect list of voters published was altered at the pleasure of the President Mr C Krishna Rao according as those noted voted for him or not

(e) The list of voters for the Sub.division as passed on the 7th. of May 1977 by the Council contained only 40voters whereas the printed list that was acted upon at the polling centains 72 and of these 72 voters Numbers 40,42,48,50 & 71 in the list are not entitled to vote at all.Voters numbers 12 & 57 are resident of division No 1 and have been wantonly entered in 4th division to secure more votes to Mr Nir Nazim

(f) The returning officers' (C Krishna Rao) conduct as a President in this matter is so reprehensible,that if the allegations re proved ,he will be found unfit to hold a position of trust

(g) All illegal ,unwarranted and fraudulent enlargement or curtailment of voters' lists has been done by the Vice-President with the connivance of Mr C.Krishna Rao who has disgraced thereby his position as the President of an important municipality Even if the rectifications in the voters' lists have been done on 15-6-77 in

in the printers office in the night

(h) In his own division the returning officer has wantonly omitted the names of very important voters who could not vote for him and among these are several graduates and persons who pay an income tax

(i) Under these circumstances the petitioner prays that a full enquiry be held into the matter and justice done to the ratepayers and in the meanwhile the petitioner further prays that the present elections of the President and the Vice-President be held in abeyence until the enquiry is complete

(Abdul Nabi Khan Sahib)

Petitioner repeats para 5

In the Court of the District Judge, Bangalore.

Municipal Election Petition (of Tumkur City)
No of 1926-27

Petitioner		Opponent.
Abdul Nabi Khan, son of Daud Khan, Contractor Tumkur	Vs	Mir Hassan, Mail Contractor, T u m k u r

Under Section 22 of the Mysore Municipal Regulation, the petitioner abovenamed most respectfully begs to state as follows -

1 The address of the parties for purposes of service of summonses is as given above

2. The petitioner and the opponent were candidates for election to the Tumkur Town Municipal Council from the 5th block constituency The said election was held on 2nd July 1927 between 8 A.M to 12 noon

3 The Petitioner got 20 votes while the opponent got 22 10 votes were declared invalid

4 The opponent and the President of the Municipality are great friends The opponent is also a standing client of the President w o is an advocate practising in Tumkur The President Held out promises of various kinds to the votes in support of the election of the opponent The el ction of the opponent is thus violated in law

5 The President of the Muni cipality who

who occupied the various offices of Returning Officer Chairman of Scrutiny, and the custodian of the voting boxes, erred in not properly counting the votes Further the votes that have been declared invalid are wrongly declared to be such And the petitio requests to count the votes of the 5th block TUMKur Town before him-- were to no purpose.

6 The Petitioner prays that the various d during the election having been the hands of a single person being interested in the election of opponent, the ballot box of the said block may be deposited in the court pending the decision of the election petition

7. The petitioner has hereby filed the necessary affidavit e

Wherefore the petitioner prays that the election be kindly set aside or in the alternative the votes be kindly scrutinised and counted

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to JS noon 21 of

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE

Election Petition No of 27-28

Petitioner.	Opponent
Abdul Nabi Khan	Mir. Hussain

The Petitioner begs to state that the following additional grounds be added to the petition already filed by him

1 That the opponent has fraudulently secured votes from persons who are not entitled to vote under the rules framed

2 That the voters list was not properly published according to the rules and in revising the list the provisions of rule 8 (1),(2) (3) and(4) have not been observed by the Returning Officer.

3 That having regard to ground No (2), the election of the whole Municipality becomes invalid and hence it is necessary to add Mr C Krishna Rao, the President ard Returning Officer as a party to the case

4 The Petitioner became aware of the abovesaid facts after he filed his petition before this Court.

Bangalore,

Dated 1927

All that is stated above is true to the best o my knowledge

In the court of the District Judge,

Bangalore Division dated Camp Tumkur

24th August 1927

Present - G. Satyaji Rao, Esquire, B A ,BL ,

District Judge,

Mis Case No 1/27-28

Petitioner	Vs	Apponent
Abdul Nabi Khan		Mir Hasan

Petition under section 22 of the Mysore Municipal Regulation praying that the Votes may be scrutinised and the election of the Opponent in preference to the petitioner may be set aside

This petition coming on for further hearing on 23-8-27 re other matters that were for enquiry and after hearing Messrs H Venkataramaiah and C Laxmana Rao MA for the petitioner and of Mr Habubulla Khan for the opponent, the court pronounced the following -

O R D E R

After a scrutiny of the 10 votes which had been rejected as being invalid I held in my order dated 15-8-1927 that the petitioner got in all 24 valid votes and the opponent got only 23 so the petitioner was declared to have got one more vote than the opponert As it was that there were other matters for enquiry I did not pass the final order a s required by section 22 Sub section (3) (b) declaring the petitioner to have been duly elected, Mr Habibulla Khan who appeared for the opponent stated that his client did not wish for any other enquiry in this case a d that the petitioner may be declared to be duly elected

2 Mr H Venkataramaiah for the petitioner pressed for

for further enquiry not only on matters contained in paras 4 and 5 of his petition and also on para 1 of the aditional grounds filed on 13-7-1927 With regard to the aditional grounds Mr Habibulla Khan questioned the right of the petitioner to file additional grounds 9 days after the filing the petition and contended that there was no provition of law under which additional grounds could be filed at the pleasure of the petitioner during the progress of the enquiry I agree with this contention and hold that the petitioner cannot ask for enquiry on any of the additional grounds.

3. Coming to the grounds mentioned in paras 4 and 5 of the petition, the counsel for the opponent contended that out of the alternative relief prayed for in the petition, the petitioner consented to the court deciding on the 2nd alternative and he cannot now ask the court to hold enquiry on the first alternative I cannot agree to this contertion of the learned counsel for the opponent As stated by the laerned counsel for the petitioner, it was for the sake of convenierce and speedy disposal that both the parties agreed to the court first deciding on the second alternative But, on other grounds I see that no further ---- enquiry is either necessary nor desirable. Petitioner has succeeded on the second alternative and in the light of the admissior made by Mr Habibulla Khan that his client did not want any further enquiry the petitioner is entitled to a declaration from the court that he is the successful candidate as he is duly elected

The prayer contained in the first alternative is open to the party who is defeated by reason of my order on the second alternative and not to the petitioner who has succeded unless it be that he wishes to nullify my order on the second alternative or to gain some other ends foreign to the point that arises in this case I hold that it is absolutely unnecessary to hold any

any further enquiry in this case

I hereby declare the petitioner (Abdul Nabi Khan) to be duly elected as the successful candidate for the 5th Block constituency of the Tumkur Town Municipality

Pronounced in open court

Sd G Styaji Rao,

District Judge, 24-8-27

" True Copy "

Sd S Venkatasubbaiah,

For Head Record Keeper

In the Honorable the Chief Court of Mysore.

Civil Revision Petition No 71 of 1920-21

Petitioners	Opponents
Sadasiva Rau and eight others	The City Municipality, Bangalore, and another

Municipal Regulation VII of 1906, section 22(2)- Election - District Judge holding enquiry - Jurisdiction - Civil Procedure Code, Regulation III of 1911, section 115 - Revision - Chief Court Regulation, section 10 - Supervision..

The proceedings of a District Judge trying an election case under section 22(2) of the Municipal Regulation VII of 1906 are not the proceedings of a civil court and the Chief Court cannot therfore supervise or control them under section 115, Civil Procedure Code, or under section 10 of the Chief Court Regulation.

Balaji Sakharam v Merwanji Nowroji and President, City Municipal Commission v Chitambar Shahuji referred to. (1895 21 Bom. 279 and 1906 11 Mys C C R 185.)

Mr M Ramachandra Rau for the petitioners.

Mr M Ramaswami for the 1st opponent.

Mr H V Narayana Rau for the 2nd opponent.

The following is the order of the court pronounced by Miller C. J.

A priliminary objection has been taken that the case does not fall under section 115 and we cannot interfere That has been so held in Balaji Sakharam v Merwanji Nowroji, (1895) 21 B 279.,construing a similar provision to that in section 22(2) of our Municipal Regulation, and the Bombay case was followed in this court in President, City Municipal Commission v Chitambar Sahuji, (1906) 11 Mys. C.C.185., but not in an election case. Apart however from authority it seems that the intention of the Legislature is sufficiently clear from the enactment The judge appointed by the Government is given power th secure the attendance of witnesses " as if he was a Civil Court " and to recover costs as if they were costs in a suit: this shows that the jurisdiction conferred on him is not that of a Civil Court, and if it is not, we cannot supervise or control it under section 115 or under section 10 of the Chief Court Regulation. This view is strengthened by the fact that the section further enacts that the order is to be conclusive.

We do not think that the decision cited before us of this Court or Courts on other enactments are of [illegible] to us in construing [illegible]

section 22(2) and we do not discuss the authorities referred to by Mr Ramachandra Rau.

We dismiss the petition with costs Fee Rs 25

"copy"

~~Miscellaneous No~~ of 1937-38

Petitioner:-

Abdul Habibkhan , Mandy Merchant,

& Representative Assembly Member,

T U M K U R

The petitioner begs to state as follows -

1. The elections of 10 Councillors for the Tumkur Town Municipality took place on the 2nd July 37

2. The petitioner was a candidate for election to the division ,his opponent being one Mr.Mir Hassan.

3 The President of the Municipal Council at the time of preparing the electoral roll was Mr. C.Krishna Rao who was the returning officer and President of the Municipal meeting held on 2nd July 37

4. As a returning officer and President of the meeting convened to declare the results of the election he secured his own friends as scrutineers who fraudulently declared certain votes which should have been counted for the petitioner as invalid, and President of this meeting Mr C Krishna Rao connived with the scrutineers and declared against the Petitioner, because Mr Mir Hassan was his client, partizan and supporter

5 Even though the petitioner demanded to see the votes the president Mr.C.Krishna Rao along with the scrutineers refused to show him the votes for fear their fraud would be detected

6. The Petitioner consequently filed an election pe against Mr Mir Hassan complaining of fraudulent scrutiny and

practice against Mr.Mir Hassan This was mis case No 1 of 27-28 on the file of the District Judge of Bangalore This case was filed within 10 days as required by section 22 of the Mysore Municipal Regulation of 1906.

7. Again within two or three days after filing the first application and within ten days as required by section 22 (1) of the Mysore Municipal Regulation, the petitioner filed additional grounds questioning the whole elections on the ground that Mr C.Krishna Rao who was the President and the officer who was responsible for the preparation, presentation and maintenance of the electoral roll Both the petitions filed before the District Judge are herewith appended ~~for ready reference~~ (& this petn. files before 1st meeting of Council

8 It was understood on both sides before the District Judge that the votes should be scrutinised first before proceeding with the other allegations in the petitions and in scrutinising the votes the District Judge held that the petitioner had got one more vote than Mr.Mir Hassan and posted the petition for further hearing and a copy of that order also is appended for ready reference (This copy has been forwarded to 1st meeting)

9 The additional grounds filed before him were that the Returning officer should be made a party to the case in such as he, as President and returning officer had fraudulently helped his partisan Mr Mir Hassan to secure more votes by the addition of certain names who were not voters in the voters' list unauthorisedly and had also not observed the provisions of rule 8 xxxxxxxx (1,2,3 &4) of the City and Town Municipal election rules No B 6455-nil 165-26-2, dated 15th march 1927

10 Mr C Krishna Rao as returning officer with his Vice-president Mr T Gurushannabasavaiya have played a fraud on the ratepayers in that they neither prepared an electoral roll as requored by rule 9 (1) nor published the same

11 The District Judge was in duty bound to go in

question of the nonobservance of these rules which is fatal to the elections and the petitioner is fully confident that if an enquiry is held, Mr.C Krishna Rao's election itself will have to be set aside

12 It is a matter of common knowledge that Mr C Krishna-Rao who was the returning officer and who had the electoral roll in his custody, dealt with it as he pleased with a view to secure his own election to No 10th division against Mr C Lakshamana Rao

13 Mr C Lakshamana Rao who was a very strong competitor to Mr C Krishna Rao had also filed a petition before the District Judge against the decision of the scrutineers and the President Mr. C.Krishna Rao, as in his case also both these latter played a dishonest part, and as a result of scrutiny ,Mr C Krishna Rao got only one vote more than what was declared valid for Mr.C Lakshamana -Rao

14 Mr. C Lakshamana Rao also had taken objection to the voters List on theground that the same had not been published and prepared according to rules But the District Judge overlooking certain provisions of the ammendment rules that he had no jurisdiction to make an enquiry It is understood that Mr C Lakshamana Rao also has now applied to the Government .

15. There is no doubt about the fact that Messers C.Lakshamana Rao and Krishna Rao and T.Guruchannabasavaiya have manipulate the voters Lists and thus have misused their position of trust also . The latter with the connivance of Mr C.Krishna Rao has evengone to the length of adding the names of several voters fraudulently into the voters list and have got new lists printed with additional names and have even paid extra money for the wastage so caused.

16 Messers C Krishna Rao and T Guruchannabasa were the President and the Vice- president respectively

they could to further their own interests and used the position they held to their own advantage and as a matter of fact the voters List of the 5th division was only to Mr C.Krishna Rao

17. Even after securing their own elections as Councillors Mr.C.Krishna Rao and T.Guruchannabasavayya, used their official position to take promises from a few persons that they would give them their votes in the Council for Presidentship and Vice-Presidentship.

18 The irregularities and illegalities committed by them are so unworthy of their position that if their elections should how be confirmed there is every likelyhood of their using to tamper with records in the office and hence until the enquiry is complete the present elections of President and Vice-President should not be confirmed

19 Now that the Learned District Judge has refused jurisdiction vested in him by Law i.e by section 29 of the Municipal Regulation, and as the Mysore Chief Court has held that as the Mysore Chief Court has held that "as the District Judge" holding an enquiry under section 29 a persona designata and not a Court and as such they could not issue the order under section 115 of the Civil Proceedure Code, the petitioner has to approach the Government to direct the District Judge or any other officer to hold an enquiry into the allegations made, A typed copy of the Mysore Chief Court decision is herewith appended for ready reference (I do hope CA of Para 1)

20. In order to gain his objects Mr C.Krishna Rao with Mr T Guruchannabasavayya have knowingly committed various illegalities in order to secure his own election and they are as follows -

(a) Though the rules are specific that the electoral roll should be prepared and published at least four months before the date on which the terms of the Council expires in this case 2nd of August

and on the corresponding date of each subsequent year ,i.e.before the 2nd.of April 1977 (vide rule 8) no attempt whatsoever was made till the end of May to start the preparations of the electoral roll As a matter of fact in no year was the electoral roll prepared and published for the three years Mr.C Krishna Rao was President of the Tumkur Town Municipal Council

(b) No calender of election giving the various dates on which the publications and other things had to be done was prepared and brought up before the Municipal Council.

(c.) Even before the election held on 2nd.July 1977 no voters' list was published anywhere till after the 15th of June as the lists came from the printers' office to the Municipal office only on the 15th of June 1977.

(d) The imperfect list of voters published was altered at the pleasure of the President Mr C.Krishna Rao according as those named voted for him or not .

(e) The list of voters for the 5th division as passed on the 28th of May 1977 by the Council contained only 49voters where as the printed list that was acted upon at the polling contains 69 and of these 69 voters Tumkur 58,46,50,56,59,60,61 in the list are not entitled to vote at all Voters numbers 19 to 57 are resident of division No I and have been want only entered in 5th division to secure more votes to Mr Mir Hassan

(f) The returning officers' (C Krishna Rao) conduct as a President in this matter is so reprehensible,that if the allegations are proved ,he will be found unfit to hold a position of trust

(g) All illegal ,unwarranted and fraudulent enlargement or curtailment of voters' lists has been done by the Vice-president with the connivance of Mr.C Krishna Rao who has flagrantly abused his position as the President of an important municipality Some of the manipulations in the voters' lists have been done on 19-6-77 in

in the printers office in the night

(h) In his own division the returning officer has wantonly omitted the names of very important voters who would not vote for him and among these are several graduates and persons who pay an income tax

21 Under these circumstances the petitioner prays that a full enquiry be held into the matter and justice done to the ratepayers and in the meanwhile the petitioner further prays that the present elections of the President and the Vice-president be held in abeyence until the enquiry is complete.

9 27

(Abdul Nabi Khan sahib)

Extract from the Proceedings of the ordinary meeting of the Tumkur Town Municipal Council held on Wednesday the 7th September 1927 in the Sri KrishnaRajendar Town Hall at 8 A. M.

Present.-

1. Mr. G. Mahammad Alia Sahib
2. " S.K. Setlur, B.A. L.L.B ,
3. " K. Narayana Settaru
4. " Desada Yejaman Siddappa
5. " Abdulnabhikhan Sahib
6. " K. Gangappa
7. " T. Guruchannabasaviah
8. " S. Krishna Rao. B.A., B.L.,
9. " B. Mallappa
10. " Rev. W.H. Spencer
11. " A. Ponnasamy Mudalkdar
12. " T. Padmarajaah
13. " Sanjeeviah
14. " R. Venkata Rao
15. " A. Rangiengar , B.A , L.L.B ,
16. " Lakshmiah , Son of Veeramma
17. " T H. Gubbiah
18. " K. Mallaraj Urs , Treasury Assistant Commr.
19. " B. Nanjappa, Distt, Medical Oficer
20 " V.V. Patankar, Executive Engineer

Election of President and Vice President

All the Seventeen non-off members present. Votes being taken by ballot the result is as follows -

For President ship

1 Mr C Krishna Rao B A B L 8
2 K Rangaiengar B A L L B 7

For the Vice President ship

1 Mr J Gurumahannatasavayya
2 " G Mohamadali 5

Mr C Krishna Rao B A B L is declared elected as President & Mr J Gurumahannatasavayya as Vice President

Chairman
President

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ಮುಮ್ಮಡಿಯ ಪೌರಸಭೆಯ ಪೌರಾಣಿಕಾಭಿಮಾನಿಗಳ ವಿಚಾರದಲ್ಲಿ ಮುಖ್ಯ ಸಭ್ಯರಲ್ಲಿ ಪರಿವರ್ತನೆ ಮುಂತಾದವುಗಳಿಂದ ಉಂಟಾಗುವುದಾದ ಅಪಘಾತಗಳನ್ನು ಇಂಥಿ ಮಾಡಿ ಪರಿಸ್ಥಿತಿಯ ಸಂಸ್ಥೆಗಳ ಆಸ್ತಿಗೌರವವನ್ನು ಉಳಿಸಲು ಈ ಏರ್ಪಾಟುಗಳನ್ನು ಮಾಡಬೇಕಾಗಿ ಸರ್ಕಾರಕ್ಕೆ ಸಲಹೆಗಳನ್ನು ಕಳುಹಿಸಲು ಹಿಡಿದ ಸಾಧ್ಯಂತಾಗಿ 4 ಫೆಂಬರಿಗೆ ಸರಿಯಾಗಿ "ಸಂಜೀವಿನಿ ಜಯಲಕ್ಷ್ಮಿ ಥಿಯೇಟರಿನಲ್ಲಿ" ಮುಮ್ಮಡಿಯ ಮಹಾಜನಗಳವಾಲೆಂಗಳನ್ನು ಮಾ॥ ರಾ॥ ಶಿ. ಎಸ್. ಶಾಮರಾಜಪ್ಪನವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಪಡೆಸಬೇಕಾಗಿ ಪೌರಸಭೆಯ ಕಾರ್ಯಗಳಲ್ಲಿ ಪ್ರವರ್ತಿಸುಗಳಿಲ್ಲದಂತೆಯೂ ಸಮಯಪಾಲನೆಯೇ ಸಾಧ್ಯವಾಗಿ ಪ್ರಾರ್ಥನೆ.

ಳೆ ಬಿ. ತಿಮ್ಮಣ್ಣಪ್ಪ, ಸಂಳಪ್ಪ,
ಈಶ್ವರಪ್ಪ.

4—10—1927

ಕೃಷ್ಣ ಪ್ರೆಸ್, ಮುಮ್ಮಡಿ.

Tuticorin
5-10-27

To
The first member of Council
Singpore

Sir,

I beg to forward herewith the proceedings of a public meeting held in Tuticorin on 4-10-27 at the Jayalakshmi theatre to the matter of an unfortunate one I hope that the Government will take suitable action in the matter

I remain
Sir
your most obt. servt.
S. Somasundaram

Proceedings of a public meeting
of the ratepayers of Tumkur held
in the Gayalakshmi theatre on 6 10 17
at 4 P M. More than 300 voters were
present. and about 200 others

Mr D Shamanayatha who had
to preside over the meeting was
unavoidably absent as he sent a
letter stating that he had urgently
go to see one friend who had expired
by bomb and that he would be coming
late to the meeting and that he
fully sympathises with the objects
of the meeting. Seven members of
municipal Council were present.

Mr Sreenivasaraya retired that
Clerk of the Deputy Inspectors office was
Voted to the Chair.

The Chairman explained the
audience the objects of the meeting
by reading the notice circulated

by the Commissioner, Madras, K.B.
Navaneetha and Sankaralingam, merchant
and Cultivator respectively praying
to revise the resolution.

Mr. K Rangaiengar clearly explained
the audience the rules regarding
the preparation, publication and
revision of the electoral rolls and
stating that the rules framed by the Government
stating that the various qualifications
persons who were entitled to vote. He
further said that an electoral roll was
ever prepared or published during the
years 1925 and 1926 as required by
rule 3 of the electoral rule and that
the new rules were only published in
the Gazette of March 24, 1927
and that the time taken to prepare
even a hundred sheets was only 7 days
if the list was published on 1st
April 1927. He said that even the

imperfect draft was only sent only
to the elected councillors of each
division, each copy of the latter
getting only the lists of their own
division. He pointed out that the
lists pertaining to divisions
VII, VIII & IX of which the
sitting members were Messrs T Gurva
Channabasaiyya, the brother of
Gubbi Smt M C Krishnamma
& whose interests it was not to
disclose names that had been omitted
It was also pointed out that the
Voters lists were changed, altered or
added to as pleased the President
or the V P without the consent
of the Council and thus rule nos
1, 2 + 3 were violated. He also
pointed out that in division IX
where the contesting candidates
were Messrs C Krishnamma, and
C. Lakshmanna, the latter was
defeated by only one vote And

if the returning officer had only honestly prepared the list, he would not have been returned to the Council at all. As the district judge has not been pleased to hold an enquiry into these allegations the government must do it and hence it is necessary for the meeting to pass the following resolution & be forwarded to the govt.

I That a Town Meeting of Tumkur in public meeting assembled resolves that the recent elections to the Tumkur Town municipal Council have not been conducted properly and legally in that all the rules regarding the preparation, publication and preservation of the Voters' list have been violated in toto, and pray that the government will kindly hold an enquiry into the conduct of the officers who were responsible for the preparation and the publication of the Voters' list. And they further pray

that as the Elections of Divisions No.
VII, VIII & IX have been totally
Vitiated owing the non-publication
and incomplete preparation of the
Voters lists & the Voters. There
divisions, the Government has
pleased to appoint an Officer to
hold an enquiry into the allegations
made in the petitions filed by
Messrs Lakshmanrao Patel and Abdul
Wahid Khan. The last filed case
before the District Court, which
has refused to exercise its jurisdiction
to hold an enquiry

One Voter of the audience
brought to the notice of the
meeting that several persons were
Changed in a hot hand so as
to secure more votes and he
put certain questions which
were answered.

Mr Lakshmanrao,
Addressed the prospective and

brought out several irregularities
connected with the returns. There
are named a few prominent
names who should have been
on the list and who could not
have voted for Mr. Hitchcock
and he points out also that there
are persons who are graduates and who
are persons who pay an income-tax
but a place on the list of
Voters for the R.A. He also gave
out several names who are
not Voters and there names should
not have been on the list. He
said that there was no election
roll prepared at all and that
after the cases were filed the
printed sheets were handed up
new book. He then
his speech by stating that of
all the names that been included
and the Voters' list published
in time he could have
succeeded

Several other members supported the proposition and when the proposition was put to the vote, it was passed unanimously.

The President was also authorized to send the resolution to the Senate and to the House of Representatives

The President in closing the proceedings stated that he had been asked by the Speakers of one and the Secretary to announce to the Convention that the Committee on Resolutions had a statement of which had not yet been made and also a number of Resolutions which had been referred to it but which it had not had time to act upon.

There being no further business the proceedings were then closed.

S. Summerfield

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ಮುಮಳೂರು ಪೌರಸಭೆಯ ಸ್ವಚ್ಛತಾನಿರೀಕ್ಷಕರಿಗೆ ವಿಚಾರದಲ್ಲಿ ಮತ್ತು ಸಭೆಯಲ್ಲಿ ಪಡೆದಿರತಕ್ಕ ಮುಂಚಾವಣಿಗಳಿಂದ ಉಂಟಾಗುವುದಾದ ಅಪಘಾತಗಳನ್ನು ತಡೆಯಲು ಶೀಘ್ರ ಪದೇಸಿ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಆಸ್ತಿಗೌರವವನ್ನು ಉಳಿಸಲು ತಕ್ಕ ಏರ್ಪಾಟುಗಳನ್ನು ಮಾಡತಕ್ಕುದಕ್ಕೆ ಪರ್ಮಾರಕ್ಕೆ ಸಲಹೆಗಳನ್ನು ಕಳುಹಿಸಲು ಆದಿಕ ಸಾಯಂಕಾಲ 4 ಗಂಟೆಗೆ ಸರಿಯಾಗಿ "ಸಂತೇಪೇಟೆ ಜಯಲಕ್ಷ್ಮಿ ಥಿಯೇಟರಿನಲ್ಲಿ" ಮುಮಳೂರು ಮಹಾಜನಗಳಮಾಲೋಚನೆಗಳನ್ನು ಪೂಜ್ಯ ರಾಜ್ಞ ಬಿ ಎಸ್ ಕಾಮರಾಜಷೆಟ್ಟಿಯವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಪಡೆಸಲ್ಪಡುತ್ತದೆ. ಪೌರಸಭೆಯ ಕಾರ್ಯಗಳಲ್ಲಿ ಪ್ರಜ್ಞಾವಂತರೆಲ್ಲರೂ ಜಯಮಾಡಿಸಬೇಕಾಗಿ ಪ್ರಾರ್ಥನೆ.

ಕೆ ಬಿ. ತಿರ್ಮಾಣಷ್ಟ್ರ, ಸಂಳಷ್ಟ್ರ,
ಕಾರ್ಯದರ್ಶಿ

10—1927

ಸ್ಟೇಟ್ ಪ್ರೆಸ್, ಮುಮಳೂರು.

Tumkur
5 10 27

To

The Dewan of Mysore
Mysore

Sir,

I beg to forward herewith the proceedings of a public meeting held in Tumkur on 4 10 27 at the Gayatakshan-Mantap. As the matter is an important one I hope that the Government will take action in the matter

I remain,
Your obt. Servt.
S Srinivasachar

C Son 6/10-27 ++ LS 8/10/27 Dewan 7/10

OFFICE OF THE DEWAN OF MYSORE

1927

Order.

No 1134

NAME OF PETITIONER Anonymous

~~VILLAGE~~ Tumkur Town

TALUK —do—

DISTRICT —do—

DATE OF PETITION nil

DATE OF RECEIPT 1 10 27

NO OF ENCLOSURES nil

ABSTRACT

Brings to notice the anamolies of the Tumkur Municipal election and the party feelings existing in the Commercial Community

General Secretary
Asst Compliments
Sd
11/10

PRIVATE SECRETARY
TO THE DÉWAN OF MYSORE.

Please
Thrown
file & put
up. Tour
w/r. opinion
Sd 9/10

OFFICE OF THE DEWAN
OF MYSORE.
Date of Receipt.....
Petn. Regr No.....1134

1927

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(10) [illegible]
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[illegible]

(11) [illegible]
[illegible]
[illegible]
[illegible]

Secret

To

The Deputy Commissioner,
Tumkur District.

Sir,

I am directed to forward herewith a copy of the Proceedings of a public meeting held in Tumkur on 4th October 1927 in connection with certain ~~allegations and~~ irregularities alleged to have occurred in the course of the elections of the Tumkur Town Municipal Council and to request you to hold an enquiry in order to find out whether there has been such serious irregularity as to justify action being taken under the disciplinary sections of the Municipal Regulation The report may be submitted early

I have etc.,

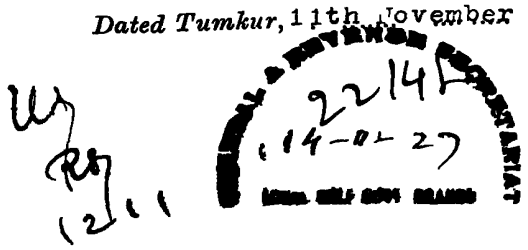
for General Secretary to Govt.

CONFIDENTIAL 627

No 84-1922-1927
Ce No One

OFFICE OF THE DEPUTY COMMISSIONER
TUMKUR DISTRICT

Dated Tumkur, 11th November 1927



Dear Mr Ranga Rao,

I am this day sending to you, separately an official communication regarding the election of President and Vice-President to the re-constituted Tumkur Town Municipal - Council In this connection I beg to invite a kind reference to your letter No L 2179/ 11 9-27-60 of the 20th October 1927 forwarding for my enquiry and report a copy of the proceedings of a public meeting held in Tumkur on the 4th October 1927 - alleging certain ir-regularities in the course of General Election After holding an enquiry into the matter, and on perusal of the election papers I have furnished a memo to Mr C.Krishna Rao noting down the points which appear to be ir-regular and he has been asked to send his remarks which he may wish to offer by the 15th instant Before they are received I cannot form any opinion in the matter and as soon as they are received I shall submit my report

A copy of the memo referred to above is herein enclosed for the information of Government

Yours sincerely,

T. Chandrasekhara

AD
11/11 14-11-27

CONFIDENTIAL.

Office of the Deputy Commissioner,
Fuchow District.
Dated Fuchow the .... 1937.

Note on the Electoral Rolls prepared in the Fuchow Municipality for the General Election held on 2nd July 1937.

(1) According to Rule 3 of the Election Rules issued with G.O. No. L. 6493- M. 105-26-3 dated 18th March 1937, the Returning officer on whom devolves the duty of preparing the electoral rolls is the President of the Municipality.

A

(2) According to Rules 3 and 4 the Returning officer shall prepare and publish the preliminary list of voters not less than 4 months prior to the date on which the term of office of the current Municipal Council expires. In this case, as the term of the current Municipal Council expired on the 30th July 1937, the lists had to be prepared and published on or before 1st April 1937. The date of the preparation of the lists cannot be verified from the records as the lists have not been dated.

X

B

But it is seen from the Head Clerk's statement and the corresponding copies of the lists to the Municipal Members that the lists were published on 30-4-1937 i.e. after a delay of one month.

C

(3) The preliminary list after revision, should be published within a month and half from the date of publication of the preliminary list. In the present case the latest date for the publication of the final list of electoral roll was 16th May 37, as the due date of the preliminary list was 1-4-1937. But the revised list was published on 16th June 1937 in the Municipal office and on 17-6-1937 in the Kulak office. The date of election was fixed for 5-7-1937, and this fact was notified on the 12th June 1937 i.e. even before the publication of the list.

D

E

(4) The publication of the voters lists both preliminary and final - has to be made as laid down in Rule 6 i.e. by affixing a copy thereof at the Municipal Office and such other conspicuous place or places in the Municipality as the Returning officer may consider suitable. The procedure adopted in the case of the preliminary list is however, different to that adopted for that list. The preliminary list is stated to have been published :- in the Municipal office (Vide statement of the Head Clerk). It not published in addition at any other conspicuous place or pla in the Municipality, as required by Rule 6. It is however stated that each elected sitting member of the Municipality was given a copy of the preliminary list relating to his ward on 30-9-1927. As regards the final lists, they have been published not only in the municipal office, but also in the Taluk Office and the Collector's office. It is not clear why similar publication was not given to the preliminary list.

(5) Even as regards the publication of the preliminary list in the Municipal office, it seems from the Head Clerk's statement that the lists were hung upon the notice board during office hours only a notice had been put up on the notice board merely notifying fact of publication without calling for any objection. The notice is not forthcoming nor has an office copy been existing.

(6) After the publication of the original lists on April 1927, applications for modification of the lists had to made, within a fortnight from the date of its publication i.e. the evening of the 14th May 1927. Applications for revision be entertained only from specified classes of people:

(a) From a voter not included in the list but who claims that he is entitled to be included.

(b) From a voter who is included in the list who complains of improper inclusion of any name in list;

(c) The Returning officer may bring to the notice of the Council, non-action, any omissions or defects

ii. The limit of a fortnight to make such application or report applies to all the three classes of persons.

(7) As regards additions to the lists - applications have been received for divisions Nos. 1,2,4,5 and 6. In regard to the 1st Division, an application dated 23-5-1927 has been received from - Municipal Councillor Mr. Mahomed Ali, suggesting the addition of certain names to the list of that division. It has been received by the Vice President on 25-5-1927. It is not clear how this - application was accepted, although not presented by the persons - concerned and although barred by time, or how the Vice President who has no authority to deal with the matter, was permitted to pass orders on it regarding the inclusion of names suggested in the - application. There is again another application from the same Municipal Councillor received on 26-6-1927 furnishing additional - information about some persons suggested in his previous application, but the application itself is not dated nor does it bear the -- initials of any officer.

(8) As regards the Second division an application dated 19-5-1927 has been received from a Municipal Councillor Mr. H. Ramakrishnaiya and the date of its receipt in the Municipal Office is not given. This application is belated and it is not in accordance with the Rules. For this division, there is an application dated - 19-5-1927 from Mr. H. Govindappa for inclusion of his name. The Vice President has initialled this application and remarked in his hand writing that Mate has been changed to the applicant's name on 14-4-1927. Though the application is barred by time, the applicant name has been included in the list.

(9) In respect of the 4th Division, one application dated 26-6-1927 has been received from Mr. Tojaman Siddappa, Municipal Councillor for inclusion of certain names. Though this is time barred and contrary to Rules action has been taken on it by the Vice President.

(10) As regards the 5th division, one application dated 23-5-1927 has been received from Municipal Councillor Mr. Mir Hassan suggesting the addition of certain names and this has been acted upon. This has been received and dealt with by the Vice President. An application dated 18-5-1927 from Syed Khasim for inclusion of his name has been received. On this the Vice - President has remarked under his initials " it is included in the list". Another application (not dated but received on 26-5-27) from Adam Abdul Karim has been received by the Vice President on 26-5-1927. On this the Vice President has remarked " let the petitioner produce proper authority to-morrow only. Issue endorsement". The same applicant has on the next day, put in another application to the Vice President giving reasons for - inclusion of his name. On this petition, the President (i.e. the Returning Officer) has ordered the name may be included. This name has been included, contrary to Rules and though the application was time barred.

(11) As regards the 6th Division, an application dated 14-6-27 was received from Municipal Councillor Mr. Gangappa who has suggested the addition of certain names. On this application the Returning Officer has remarked " find out details and amend if necessary". This has been acted upon. Though the application is in time, it is not in conformity with the rules not being made by the persons affected. In regard to this application though it was received in time, the action taken is improper, Even assuming that the Returning Officer treated the application as information and proceeded to revise the list suo-moto because, the Returning Officer has ordered the amendment of the list himself. He had not the authority to do so such authority being vested only in the Council (Rule 8 Sub Para 4).

(12) The revision of the original list has been made on the orders of the Vice President in most cases and of the President in two cases. But the additions made to the list are not at

12 contd.

attested or dated either by the Vice President or the President who is the Returning Officer. The lists to be added to have already been placed before the Council and passed on 28-6-1927. It cannot therefore be said that the additions have been decided upon by the Council as the rules require, as neither the additions nor their admissibility have been specifically put before and accepted the Council (Rule 8, Sub Para 4).

(13) According to Rule 8 Sub Para 4 notice of every application for revision of the preliminary list under Sub Para (1) of Rule and of every reference by the Returning Officer under Sub Rule 3 must be given by the Municipal Council to any person affected such application or reference. Also intimation of the decision of the Council must be given to the persons concerned. In the present case the persons affected were not given notice, nor the was the decision communicated to them. The preliminary lists added to on the basis of improper revision and such additions remain unattested. In regard to names suggested for inclusion, but declined to be included the parties affected were not given notice and this denied to them the chance to appeal.

(14) It is ascertained that the preliminary lists of voters were not prepared in accordance with the Rules issued in March 1927. The proper procedure was to act according to the new rules but stated not to have been done. According to the new rules the following classes of persons are entitled to vote by reason of their relation to or interest in property situated in municipality.

(1) Persons who for the preceding year were assessed to taxes other than octroi or toll imposed in the municipality of amount not less than such minimum as shall for the time being be fixed by Government. (Section 12 C municipal Regulation).

NOTE:- The election Rules do not contain any direction about the prescribed minimum). In the present case it has been assumed to be Rs/-

(12) Persons who on the 1st July next preceding the date of publication of the election roll occupied a house or building or part of a house or building separately occupied as a dwelling or for purposes of trade, business or profession which is assessed to a tax of .2/- per annum (Rule 5 b). From the statement made by the Bill Collector Ramjundaiah it is seen that occupiers as such have not been included in the list. Only khatedars and owners - though not khatedars actually residing in the Division have been included. The reason for the exclusion of occupiers of premises assessed to the prescribed extent is not apparent. Khatedars who are non-resident in the Municipality have been excluded from the list (vide Flag Q). According to Rules, residence is not a - necessary condition and the exclusion ordered on the ground of non-residence also requires explanation.

(13) When a voters name is entitled to be included in more than one division the division in which such voter should be included is a matter to be left to the choice of the voter himself. A public notice calling for applications indicating such choice has to be given and if the voter fails to make a choice within the prescribed time then the Division in which he should be placed has to be - decided by the Municipal Council. In the present case no such notice has been given nor any freedom of choice to the voter and the matter has been decided by the President or by the Vice President. For example Mohammad Yousuff Sab included in 7th division as Lo. 82 is entitled to be included in 7th and 9th divisions, was included - first in 9th Division where he is resident; Removed without application from the party to 7th Division.

(14) The following cases of proper inclusion and subsequent - improper exclusion, improper change from Division to Division etc are noticed. In the preliminary list prepared by the Bill Collector Ramjundaiya for the 9th division Amina Begum was included by him. She is khatedar having the required qualification and is a resident in the ward. The name has been scored by the Vice President for

for the reason Manjunadayya says that she is a purdah lady and not likely to come for voting. The said Manjunadayya included the names of nine voters in Siddalingamaklya in XX division. The Vice President ordered that these names should be struck out from the XX division on the ground that the Palya is in VIII division. Although all the names were removed from the XX division only four names were added in the VIII division, the remaining 5 names have been omitted although duly qualified. Mr Abdul Aziz Khan lives in the VIth division. In the list of voters for the Representative Assembly his name is included in the V division. His name was first included in the V division when the electoral rolls were drawn up for the general election. For no valid reason it is omitted from the V division and included in the IX division. Mr. Aziz Khan actually lives in the V division and ought to come in that division. The name of M.R. Ramayya was not included in the list for the Xth division by Manjunadayya as he was not a resident of the ward and did not pay the required assessment, the amount paid by him for the 9th division being only Rs 1-6-0. The Returning Officer has added Ramayya's name in the list in his own hand writing. This requires explanation.

Mr. K.S. Raghavan was a voter in the Representative Assembly list for the 9th division. He is an accountant of premises assessed to more than Rs 10/-. He is besides assessed to income tax. His name has been omitted from the list for the 9th division now.

(17) It has been alleged that the final list as shown to the Municipal Council and approved by them have been modified at a later stage. In the list for the 3rd division, the name of Mr. Kottakkaramaiah, Pleader has been added after the list was printed. His name in the list as originally approved by the Municipality was in the IXth Division. This has been scored out by the President in the IXth Division and added to the 3rd division.

The interference with the final list was not within the powers of the President and Returning Officer and acquires no

10

On 15-6-1927 D.N. Sivaramayya petitioned to the Vice-President that his name was included in the IX division and has

it should be included in the V division. The President has rejected the application on being made too late. It is not apparent why when Kattabhiramaiyya's change was ordered this belated Govindappa's application was rejected. It does not appear that Kattabhiramaiyya made any application for change of all.

(10) As regards the VIth division, Mr. Babi Khan alleges that the list as approved by the Municipal Council contained only 68 names and that four names were added fraudulently at a later stage after the list was printed. Mr. Vitoba Rao, Printer says that when the list for the V division was received by him it contained only 64 names. He printed the list. At this stage the Vice President and some others went to him, took back the manuscript list and added 4 more names, and asked him to reprint it. He reprinted it. Mr. Vitoba Rao has produced the original proof containing 68 names and also a clean copy of it as finally printed. The manuscript list produced by Mr. Vitoba Rao shows that the last 4 names are in a different ink to the rest of the entries and are apparently added a later stage. Clerk Ramanna in whose hand writing the manuscript list is says that that the last four names were added by him some days after the District Conference at the instance of the Vice President. The additions were made after the lists were sent to the Press. Mr. Vitoba Rao further says that in the bill sent up by him he made mention of the waste of paper in reprinting. The bill was returned for revision and he has produced the original. The Bill Collector Ranjundaiah is alleged to have taken the bill and like he identified it. The unauthorised addition of the names to the lists approved by the Municipal Council requires explanation.

Sd K V Anantaramaiah

Deputy Commissioner,
Tumkur District.

AD. c/s
(4 copies

Certified
K V Anantaramaiah
11-11-1927.

C. 6]

ಸ್ಥ-545-27-8

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT

Dated Tumkur, 15th September 1927.

1512
19 SEP 1927

FROM

K. V ANANTARAMAN, ESQ., B.A.,
Deputy Commissioner, Tumkur District,
Tumkur

To

R Ranga Rao, Esquire, B A , B L ,
General ~~Joint~~ *Secretary to the Government of Mysore,*
Bangalore.

ಆಡಳಿತ-27-3

Sir,

I have the honor to state that the Election of the President and the Vice President for the Tumkur Town Municipality was held on 7-9-1927, in which Messrs - C Krishna Rao, and T Guruchannabasaviah, who got the highest No of votes, were duly declared as elected as President and Vice President respectively

(2) An objection petition has been received in this office on 13-9-1927 from the marginally* noted Municipal Councillors contesting the election of Messrs - C Krishnarao and T Guruchannabasaviah, on the ground of irregularities. I have referred this petition under Rule 9 of the Election Rules to the Gubbi Sub Division Officer for enquiry and report within the 27th instant. On receipt of the same, the report that has to be submitted to Government will be made

Messrs -	1	K Ranga Iyengar
	2	Yejaman Siddappa
	3	Md Ali Saheb
	4	Abdul Nabi Khan
	5.	K Gangappa
	6	S K Setlur

~~Further report will be~~ I have the honor to be,
sent

sir,
Your most obedient servant

AD 15/9

Deputy Commissioner,
Tumkur District

15/9/27

Jud 117-27 R part-12
1927-28

From

The Deputy Commissioner

Tumkur District

To

The General Secretary to

the Govt of ysore

Bangalore

Dated Tumkur 11th ovember 1927

Despatched

Received

6348

General No

Enclosure No One Copy
& one file

Re Election of the President and the Vice President of the Tumkur Town Municipal Council

--00--

No A.7-545/27-28

Office of the Deputy Commissioner
Tumkur District.
Dated Tumkur, the 11th November '

From

K V Anantaraman, Esquire, B A ,
Deputy Commissioner, Tumkur District
T U M K U '

To

R Ranga Rao, Esquire, B A , B L ,
Secretary to the Govt of H H Maharaj
of Mysore, General Department
B a n g a l o r e

SIR,

1315 In continuation of my letter No A 7-545/27-28 d 15th September 1927, stating that the election of the President a the Vice President of the Tumkur Town Municipal Council was held the 7th September 1927, that Messrs - C Krishna Rao and T Guru Channabasaviah were elected for the offices respectively, and th an objection petition has been received, a final report would be submitted as soon as it is enquired into, I have the honor to st as follows --

(2) According to the Election Rules, it was notified t the election of the President and the Vice President of the re-c tuted Tumkur Town Municipal Council would be held on the 7th Sep 1927 Messrs - C Krishna Rao and K Ranga Iyengar were nominated t President's office, and Messrs - T Guruchannabasaviah and G Ma Ali to that of the Vice-President At the election held on the 8 September 1927, all the seventeen non-official councillors were and the nominated candidates did not take part in the election p ings The votes were taken by ballot and the result is as note below --

1 For the President-ship -

(a) Mr C Krishna Rao got 8 votes

(b) Mr K Ranga Iyengar 7 votes

For the Vice-President-ship -

(a) Mr T Guruchannabasavaih got 10 votes

(b) Mr G Mahommad Ali got 5 votes

At the meeting held on the same day, it was declared that srs:- C Krishna Rao and T Guruchannabasavaih were elected as President and Vice-President respectively (Copy of the proceedings is enclosed)

(3) On the 13th September 1927 an objection petition was filed in the office by Mr K Panga Iyengar and five other Municipal ouncillors stating that there were some irregularities in the - election referred to above and that they may be enquired into before forwarding the result of election to Government This petition was under Rule 9 of the Election Rules referred to Mr Abdul Aziz Khan Sub Division Officer Gubbi Sub Division for enquiry and report He s held an exhaustive enquiry into the allegations and submitted a eport He has come to the conclusion that none of the charges - lleged in the petition has been proved The main charge against the wo successful candidates is that they bought the votes of two of the nicipal Councillors viz Messrs - Sanjeevaiya and Lakshmaiya This harge was not established in the enquiry but on the other hand - essrs - Lakshmaiya and Sanjeevaiya have in their petitions addressed o this office on 23rd September 1927 taken objection to the allegation hich they say would lower them in the estimate of the public

(3) In the above circumstances, I concur with the finding of Gubbi Sub Division Officer I request that the elections of - s - C Krishna Rao and T Guruchannabasavaih as President and - ce-President may be approved by Government and notified in the - ette

(4)

The enquiry records are herewith submitted for reference

I have the honor to be,

sir,

Your most obedi servant

DEPUTY COMMISSIONER
TUMKUR DISTRICT

11-11-27

AD 11/11

23159
19/4/29

1 This is a case petition under Rule 7 of the rules regulating the election of the President and Vice-President of a Municipality on the grounds of corrupt practices, material irregularities and illegality. The petitioners examined themselves (except one) and fifteen witnesses

2 Witnesses Lenkappa, Channabasawaiah have been examined to speak to the fact of the Councillors Sanjiva and Laxmia having been confined by the opponents, locked with Coffee Hoffmeister and being then having been fed in the house of the 2nd opponent. The fact of the two Councillors above named having been taken to Bangalore to witness the Silver Jubilee procession is spoken to by witness Padmanabha in addition to the petitioners this witness being the owner of 11 motor buses plying for hire, a municipal merchant and paying an income tax of Rs 2000 to the Government, is highly respectable and unimpeachable in his evidence

3. The allegations in the petition, that the opponents threatened the two Councillors with removal of their names from the municipal roll and of the promises made to the Councillor Laxmia of selling to him the right of vegetables in the market, are spoken to by petitioner Lingappa, Yajamana Siddappa and are corroborated by witness Ps Channabasappa, who is also a very respectable and credible

being a R A member, and paying his contribution and also an annual assessment of Rs 4 or 5 to Govt

4 witness Aziz clearly state that he saw the two Councillors in the evening of 6-9-27 on the verandah of the office of mr C Krishnarao 1st Accused taking tiffin while the conference of the 1st Accused mr Pullala Rao, 2nd Accused and Gubbala were inside the office at the west to the 1st Accused's house on hearing that Laxmi Sanjivaiah had gone there

5 The information received by the petitioners from the Councillors Laxmi Sanjivaiah — and personal knowledge of witnesses who had gone in search of Laxmi and Sanjivaiah in several meetings which mere Nabikhan, Yajaman Subbaiah Ramlappa, Mahamad Ali had with the two councillors, make it absolutely clear that the Accused had the two Councillors confined on 6 9 27 & 7 9 27. the Councillors having at the time of voting beg to escort them under police care to the town hall

6 The petitioners have examined the Police Inspector and the two daffadars who were near the Townhall when Police Inspector admits having received oral information that a large crowd went gathered there and that mark Rama Swamy told him soon after the elections that there was no breach of the peace, thus implicitly admitting that he came there to forestall a breach of the peace' what was required - breach of the peace' what was manifestly a manoeuvre on the part of the Accused to create threat in the minds of the two Councillors that the Accused had the help of the police It is also in evidence for the petitioners that the two Constables Accused Laxmi & Sanjivaiah while they were being escorted

by Venkatrao, and the accused the Police Inspector says he required a police constable to be in the circle near the town hall limits so he had gathered them according to his own estimate Moreover the police constable Devaiya says he left the premises of the town hall at 10 a m i e after the elections thus flatly stating that he was in the premises of the town hall limits themselves and the Police Inspector are reluctant to admit on their examination in chief that they had gathered near the town hall

7 Mr Mallaraja Urs, examined for the Petitioner states that a servant of the municipality has been fined while the counsel for the petitioners wanted to ask the reason for fining the servants the court refused to allow this question to be put regarding a 'non essential' matter though the matter has not been cleared up in the examination in chief the cross-examining counsel for the accused did not want to show the pros or wrong doings of the servants for to him the matter of fining the servant was owing to his handing over the keys addressed to the municipal President, to Mr C Krishnarao, even after the latter had handed over charge, will become abundantly clear by a perusal of the records anent this. To Mr C Krishnarao states that he had the municipal servants a few days after he ceased to be the President but strangely enough, though having these servants in his service during his Presidentship and even a few days later, he could remember the name of only one of them An effort at concealment of fact but is clear from such statement

8 Regarding the evidence of the accused

P.T.O.

It is clear from the entire denial by the 1st opponent of his knowledge of any practice of the Presidents sending up the list of members amongst whom the Deputy Commissioners recommends to Government for nomination to the Municipal Council, admission of the fact of having sent up several names a complete denial of the knowledge of any name he mentioned in the list, not remembering even one, himself being a native of Jumbo and being President for 3 years; thus having an opportunity to know the two candidates Sanjivan & Laxmia for a long time and his denial of having made any enquiry regarding the fitness of persons to be nominated to the Council tho' he admits at the same time that he thought Laxmia and Sanjivan were sufficiently qualified to be the members of Council on account of public work', it can be clearly seen that the 1st opponent has not been very straightforward in his statements before Court He has denied the knowledge of the aforementioned facts even though such honest & upright admission of the same would not have harmed his position in the case

of the 2nd opponent is equally reluctant to give out the truth he says that he never canvassed for his vote nor did the 1st opponent for his (2nd opponents) He does not remember having canvassed for Vice presidentship previously nor does he remember the 1st opponent canvassing for his vote Considering for a moment the enthusiasm that the candidates generally have in canvassing for votes & non-official bodies persons particularly when they bear some enmity

enclosements according to the regulations
of bye laws it is highly incredible that either the
1st or the 2nd opponent have not even ask-
ed for each others vote So much of indiffer-
ence could never be expected of candidate
to the such responsible positions as Presid-
entship and Vice presidentship - As a matter
of fact the joint interest that both the oppon-
ents evinced in instructing each others counsels
in conducting their case was brought to the
notice of the Court Post the hon'ble court
did not think it necessary to take this circum-
stance that very material as evidencing the
genuineness of their case

The 2nd opponent further admits
he was defeated in the election petition filed
against him by Pharkatte channabasap-
pa in the Deputy Commissioners court of Dhar-
war in connection with the previous R-A
Elections but denies all knowledge of the
grounds of the petition the election of the
2nd opponent was declared invalid as he
was guilty of having committed corrupt prac-
tice in ~~publishing~~ persons who falsely per-
sonated this fact is very important and
brings into clear relief the ways and means
adopted by the 2nd opponent in elections, but
versive of all principles of Law The Counsel
for the petitioners while examining B channa
basappa for petitioners wanted to elicit that while
he contested the election of the 2nd opponent
as above mentioned the election of the 2nd opponent
was set aside on the ground of corrupt practice
by the 2nd opponent, the learned subordinate off-
er refused to allow the question to be put, to the
Handicap of the petitioners in Objecting Pet-

no 1 3 24 Defendants Ex II

commissioner of Dunkur, filed by witness No-
Channabasappa ag against the 2nd Opp. this is
what the learned judge calls Zahirudin case
& observes - "The conduct of the Opponent has
not also been free from objection in the witness
box He says he does not recollect if he gave
his cards to the Marwadis when they came
to the Townhall and when questioned if he
saw the Marwadis in the Townhall that day
he says he saw them and also of other persons as
well, but adds a rider that he was standing
near the Townhall when they came Similarly
when asked if he requested Hucha to vote for him
he says he had requested every person whom
in the last words for him All this shows that
he somehow sought to keep of the facts meant to
be elicited from him by these questions In fact
there is ample evidence to show that the Oppo-
nent was near Mr "Chaman" a garden in
front of the Townhall and it is rather strange
that he should have attempted to make out he
was behind the Townhall, specially when the
Marwadi voters came in - - - render these
circumstances I find the Opponent guilty
of corrupt practices and order his election as
invalid and declare the petitioner Mr B Chan-
nabasappa who has secured the highest
number of votes - as the candidate duly elected
The above remarks of the learned Deputy Com-
missioner can be very appropriately applied
to the evidence of the 2nd Opponent in this case

10 The Opponents have totally failed in their attempt
to rebut the evidence adduced by the petitioners re-
garding the taking of the Councillors Sampa
Vaddabasanna & Ramgalur witness that
for public purposes the 1st Opponent says he
does not know to whom belongs that

he does not know who paid for the bus or to whom it belonged or whether the whole party returned by the bus and that he did not question Mr Habibulla Khan who brought the bus about or the ownership of the bus or what he ever had any bus for at all. He is definite about the fact that the 2nd opponent was not in the bus but cautiously states that he does not remember. Whether Councillors Sanjivaiah and Lakkappa were in the bus - it is highly improbable that a person would have to travel to & from Bangalore without knowing voluntarily or involuntarily who had the courtesy to carry him free when particularly when the party of our Chief Minister travelled with him the evasive answers of the 1st opponent to questions in Cross-Examination clearly show that he has fought shy of giving out the truth and the evidence of such a witness is worth but little credit

Again Mr K Habibulla Khan, Advocate, Tumkur, was cited as a witness but dispensed with. This clearly shows that Mr Habibullah Khan, if examined, would not have been favourable to the 1st opponent and his evidence would certainly have undermined the false of falsehood attempted to be built up by the opponents. An inference adverse to the opponents therefore, is to be drawn from their intentional abstain to examine Mr K Habibullakhan

4) Regarding the evidence of Sanjivaiah and Lakkappa their evidence is not worth serious consideration as they could not be expected to state anything that would incriminate themselves

12 The petitioners filed an application before

take into consideration (a) that the notice calling for a meeting for electing the President and Vice President was issued by the Collector Raja Ram for the President and that the Collector was not a notice as contemplated by rule 9 (b) vice, (b) that the notice of the meeting for the conduct of election was not issued within 15 days of the meeting although a calendar for the election of President & Vice President was sent on 25th May 1927 and that (c) the notice calling for the meeting which was issued on 2nd June 1927 did not specify the nomination candidates for the two posts of the Committee before the date of election: The learned Subordinate Judge rejected the petition & first case from which appeal arises on the conduct of the election and the validity of an election can be questioned under 7 of the rules governing the election of the President & Vice President

13 During the examination of Mr Malla Raja Rao PW 10 the petitioners filed a petition before the Court to permit them to exhibit the documents mentioned in para 12 with reference to which the material irregularities in the conduct of the election were stated before the Court again repeated the documents as being relevant to the case Thus at every step the petitioners were prevented from offering evidence of the material irregularities, from the point of view, though the rules clearly entitled them to contest the election on such grounds.

14 The petitioners requested the Court to summon the President of the municipality to produce the application received by the Muni-

capacity in recommending nominations to the
Municipal Council for three years from 1927.
and also the recommendations sent by pur-
Krishnalal, ex-President to the Deputy Com-
missioner for being recommended to Govern-
ment The Court refused to issue summon-
ses as above requested This refusal of the
Court to issue summons as prayed for has great
ly handicapped the petitioners, as the above pa-
per clearly speak to what all has been done
by the opponents to win over the Councillors
Sampat Khatu Amiah.

5 These witnesses filed at the outset a list of 45
witnesses and after examining 15 of them
promised to examine Four more witnes-
es refused to allow the Court without Exam-
ining even court, the petitioner filed another
sealed list of 5 witnesses found in the original
list, praying the Court to issue summons
to them. The Court refused to issue summons
as also the chance of witnesses very mat-
erial portion of evidence was denied tho'
it would not have prejudiced unfairly
the opponents

6 Thus the learned Subdivisional officer has
erroneously ignored to have material ir-
regularities in the conduct of the elections
and has given no opportunity to the peti-
tioners to prove them nor are the petitioners
allowed to place all available evidence
regarding corrupt practice committed
by the opponents under such the petition
as prays that careful attention may kindly

be beginning in the medieval era of which
which go to the root of the charters and
allow the petitioners an opportunity of
completing their evidence in accordance with
the rights the Department considers. Thanks

No M.—1176

Mysore Gazette.

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BANGALORE, THURSDAY MARCH 12, 1925

PART II-A

NOTIFICATIONS RELATING TO LOCAL SELF GOVERNMENT

MUNICIPAL AND LOCAL BOARDS

No L 6342—*Ml* 56 24 233 *dated 28th February* 1925

Under Clause (c) of the Sub-Section (2) of Section 23 of the Mysore Municipal Regulation, 1906 as amended by Regulation V of 1918 and in supersession of the existing rules the Government of His Highness the Maharaja are pleased to make the following to regulate the election of the President and the Vice President of a Town or Minor Municipal Council when the Government shall have directed that one or both of these office bearers be elected by the Council —

(1) The election shall take place—

(a) if the privilege of election is granted during the term of an existing Council at a meeting of the Council held not later than two months from the date of the Government Order granting the privilege

(b) when an elected President or Vice President vacates office on the expiry of his term of office at a meeting of the Council held not later than one month from the date of occurrence of the vacancy

(c) in the case of a reconstituted Council enjoying the privilege at a meeting of the Council not later than one month from the date of the reconstitution

(d) when the office of an elected President or Vice President becomes vacant under Sub Section (7) of Section 23 of the Regulation at a meeting of the Council held not later than two months from the date of occurrence of the vacancy and

(e) when a fresh election is ordered under Rule (10) *infra* at a meeting of the Council held not later than two months from the date of such order

Provided that at least fifteen days and not more than twenty days notice of every such meeting shall be given during the said period of one or two months as the case may be by the President for the time being or in his absence by the Vice President or in the absence of both of them by the Chief Executive Officer of the Municipal Council

(2) Every candidate for the office of President or Vice President shall be nominated after the issue of such notice by at least two non official members of the existing or reconstituted Council as the case may be in the following form which shall be sent to the Chief Executive Officer of the Municipal Council at least seven days before the date of the meeting at which the election is to take place

Municipality of

We, the undersigned, nominate .as a candidate for t
office of President or Vice-President at the election to be held on the dr
of 192

Date. Signed
Signed

(3) The names of candidates shall be notified at the Municipal Office at least five day
before the day fixed for holding the election

(4) The voting shall be by ballot and the election shall be decided by a majority of
votes of the Councillors voting at the meeting, provided that the number of non-official
Councillors present shall not be less than half of the total number of such Councillors.

No Councillor who is a Government servant and no candidate nominated for the office
shall take part in the ballot. But a candidate may withdraw his candidature at any stage
with or without the consent of his nominators and if he does so, he shall then be competent
to take part in the ballot.

(5) The following procedure shall be adopted in conducting the election :—

(a) If only one candidate has been nominated, there shall be no balloting and such candidate shall be deemed to have been elected, provided that the number of non-official Councillors present shall not be less than half of the total number of such Councillors.

(b) If two or more candidates have been nominated, the votes shall be recorded as follows —

Every Councillor wishing to vote shall, at the meeting, write on a slip of paper the name of the candidate he wishes to be elected to the office of President or Vice-President and place the same in a box so constructed that papers may be placed therein, but not extracted without the box being opened. The Presiding authority shall then open the box and count the votes in the presence of the Council Any ballot paper on which the names of more candidates than one are retained shall be invalid

(c) ~~If there are only two candidates and both of them have secured an equal number of votes, the proceedings shall be closed.~~ vide C & D modified

(d) If there are more than two candidates and no one of them has secured a majority of votes required by Rule (4) the ballot shall be repeated. At each successive ballot, the candidate who obtained the fewest votes at the preceding ballot shall be eliminated and he shall then be eligible to vote. If two or more candidates lowest on the list have obtained an equal number of votes, a separate ballot shall be taken in order to decide which of them should be eliminated The elimination shall, if no candidate secures the prescribed majority of votes, be made until two candidates only are left. ~~When two candidates left after the elimination secure an equal number of votes the matter shall not be further enquired~~ vide C & D modified.

(e) If only one candidate has been nominated and he is deemed to have been elected under paragraph (a) *supra*, or if as a result of the ballot any one of the candidates has secured a majority of the votes as required by Rule (4), the election of such candidate shall not take effect until the Government have notified their approval of the same.

vide add'n

(6) The result of the election shall be declared at the meeting immediately by the presiding authority and communicated by him without delay to the Deputy Commissioner of the District along with the minutes of the proceedings of the meeting with the names of the Councillors present.

(7) The validity of election may be contested by a petition signed by at least three Councillors and not otherwise, provided that such petition shall reach the Deputy Commissioner within seven days from the date of the election and shall allege specific grounds for setting aside the election on account of material irregularity in the conduct thereof.

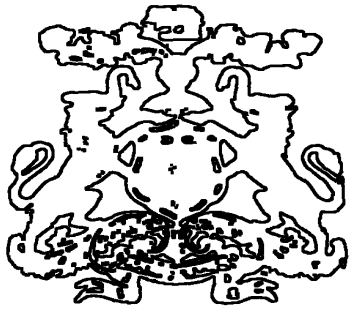
(8) Upon receipt of such petition, the Deputy Commissioner shall enquire personally or by some other officer deputed by him not below the grade of an Assistant Commissioner into the validity of such objection or objections.

(9) When seven days from the date of election have expired or, if any such petition as is described in Rule (7) above has been received, then upon the conclusion of the enquiry into the validity of such objection or objections the Deputy Commissioner shall report the proceedings, together with his opinion, to Government who shall pass such orders as they may think fit.

(10) The election shall be subject to the approval of Government. In the event of no election being made within prescribed period ~~or in the event of an election held not being~~ approved by Government ~~upon the event of two candidates securing an equal number of votes~~, Government may appoint the President or Vice-President, as the case may be, or, may order a fresh election.

vide Govt
No 1 dtd 2 1925 Mr 110-25-1
dt 13 10 25

Registered No M.—1176



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BANGALORE, THURSDAY MARCH 12, 1925.

PART II-A

NOTIFICATIONS RELATING TO LOCAL SELF-GOVERNMENT

MUNICIPAL AND LOCAL BOARDS.

No. L 6942—*M.* 56 24-233, *dated* 26*th February* 1925

Under Clause (*a*) of the Sub-Section (2) of Section 23 of the Mysore Municipal Regulation, 1906, as amended by Regulation V of 1918, and in supersession of the existing rules on the subject, the Government of His Highness the Maharaja are pleased to make the following rules to regulate the election of the President and the Vice-President of a Town or Minor Municipal Council when the Government shall have directed that one or both of these office-bearers be elected by the Council :—

(1) The election shall take place—

(*a*) if the privilege of election is granted during the term of an existing Council at a meeting of the Council held not later than two months from the date of the Government Order granting the privilege

(*b*) when an elected President or Vice-President vacates office on the expiry of his term of office, at a meeting of the Council held not later than one month from the date of occurrence of the vacancy

(*c*) in the case of a reconstituted Council enjoying the privilege, at a meeting of the Council not later than one month from the date of the reconstitution

(*d*) when the office of an elected President or Vice-President becomes vacant under Sub-Section (7) of Section 23 of the Regulation, at a meeting of the Council held not later than two months from the date of occurrence of the vacancy, and

(*e*) when a fresh election is ordered under Rule (10) *infra*, at a meeting of the Council held not later than two months from the date of such order,

Provided that at least fifteen days, and not more than twenty days notice of every such meeting shall be given during the said period of one or two months as the case may be, by the President for the time being, or in his absence by the Vice-President, or, in the absence of both of them, by the Chief Executive Officer of the Municipal Council.

(2) Every candidate for the office of President or Vice-President shall be nominated after the issue of such notice by at least two non-official members of the existing or reconstituted Council, as the case may be, in the following form, which shall be sent to the Chief Executive Officer of the Municipal Council at least seven days before the date of the meeting at which the election is to take place.

Municipality of

We, the undersigned, nominate .as a candidate for the office of President or Vice-President at the election to be held on the day of 192

Date Signed
Signed

(3) The names of candidates shall be notified at the Municipal Office at least five days before the day fixed for holding the election.

(4) The voting shall be by ballot and the election shall be decided by a majority of votes of the Councillors voting at the meeting, provided that the number of non-official Councillors present shall not be less than half of the total number of such Councillors.

No Councillor who is a Government servant and no candidate nominated for the office shall take part in the ballot. But a candidate may withdraw his candidature at any stage with or without the consent of his nominators and if he does so, he shall then be competent to take part in the ballot.

(5) The following procedure shall be adopted in conducting the election :—

(a) If only one candidate has been nominated, there shall be no balloting and such candidate shall be deemed to have been elected, provided that the number of non-official Councillors present shall not be less than half of the total number of such Councillors.

(b) If two or more candidates have been nominated, the votes shall be recorded as follows :—

Every Councillor wishing to vote shall, at the meeting, write on a slip of paper the name of the candidate he wishes to be elected to the office of President or Vice-President and place the same in a box so constructed that papers may be placed therein, but not extracted without the box being opened. The Presiding authority shall then open the box and count the votes in the presence of the Council. Any ballot paper, on which the names of more candidates than one are retained shall be invalid

(c) If there are only two candidates and both of them have secured an equal number of votes, the proceedings shall be closed.

(d) If there are more than two candidates and no one of them has secured a majority of votes required by Rule (4) the ballot shall be repeated. At each successive ballot, the candidate who obtained the fewest votes at the preceding ballot shall be eliminated and he shall then be eligible to vote. If two or more candidates lowest on the list have obtained an equal number of votes, a separate ballot shall be taken in order to decide which of them should be eliminated. The elimination shall, if no candidate secures the prescribed majority of votes, be made until two candidates only are left. If the two candidates left after the elimination secure an equal number of votes the ballot shall not be further repeated.

(e) If only one candidate has been nominated and he is deemed to have been elected under paragraph (a) *supra*, or if as a result of the ballot any one of the candidates has secured a majority of the votes as required by Rule (4), the election of such candidate shall not take effect until the Government have notified their approval of the same.

(6) The result of the election shall be declared at the meeting immediately by the presiding authority and communicated by him without delay to the Deputy Commissioner of the District along with the minutes of the proceedings of the meeting with the names of the Councillors present.

(7) The validity of election may be contested by a petition signed by at least three Councillors and not otherwise, provided that such petition shall reach the Deputy Commissioner within seven days from the date of the election and shall allege specific grounds for setting aside the election on account of material irregularity in the conduct thereof.

(8) Upon receipt of such petition, the Deputy Commissioner shall enquire personally or by some other officer deputed by him not below the grade of an Assistant Commissioner into the validity of such objection or objections.

(9) When seven days from the date of election have expired, or if any such petition as is described in Rule (7) above has been received, then upon the conclusion of the enquiry into the validity of such objection or objections the Deputy Commissioner shall report the proceedings, together with his opinion, to Government who shall pass such orders as they may think fit.

(10) The election shall be subject to the approval of Government. In the event of no election being made within prescribed period, or in the event of an election held not being approved by Government or in the event of two candidates securing an equal number of votes, Government may appoint the President or Vice-President, as the case may be, or may order a fresh election.

Mun. Govt. Notification no. L. 2635-F Mz 110-25-1 dt 13 Dec 1925

ered No M —1175

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BANGALORE, THURSDAY OCTOBER 22 1925.

PART II-A

NOTIFICATIONS RELATING TO LOCAL SELF-GOVERNMENT

MUNICIPAL AND LOCAL BOARDS

No L 2607—Ml 64 25 10, dated 13th October 1925

Under Rule (10) of the Rules for the election of Presidents and Vice Presidents of Town and Minor Municipal Councils issued with Notification No L 6342—Ml 56 24-233 dated the 28th February 1925 the election of Mr S Ramappa as Vice President of the Minor Municipal Council Srinivaspur is approved

No L 2609—Ml 64 2, 9 dated 13th October 192,

Under Rule (10) of the Rules for the election of Presidents and Vice Presidents of Town and Minor Municipal Councils issued with Notification No L 6342—Ml 56-24 233 dated the 28th February 1925 the election of Yernool Venkatarayappa as Vice-President of the Town Municipal Council Chikballapur is approved

No I 2654 -Ml 110 25 1 dated 13th October 1925

Under Clause (c) of Sub Section (2) of Section 23 of the Mysore Municipal Regulation 1906 as amended by Regulation V of 1918 the Government of His Highness the Maharaja of Mysore are pleased to introduce the following amendments in Rules 5 and 10 of the Rules issued with Notification No L 6342—Ml 56 24 233 dated the 28th February 1925 to regulate the election of the President and the Vice President of a Town or Minor Municipal Council —

1 The following shall be substituted for Clause (c) of Rule 5 *viz*

If there are only two candidates and both of them secure an equal number of votes *the election of one of them shall be made by lot by the presiding authority of the meeting in such manner as the Municipal Council at such meeting shall decide*

2 The following shall be substituted for the last sentence of Clause (d) of Rule 5 *viz.*

If the two candidates left after the elimination secure an equal number of votes the election of one of them shall be made in the manner indicated in Clause (c) *supra* as amended

3 In Clause (e) of the said rule after the word and figure Rule (4) the words or whether election is made by lot under Clauses (c) and (d) *supra* as amended shall be added.

4 The words or in the event of two candidates securing an equal number of votes after the words approved by Government in Rule 10 shall be deleted

No L 2722 —Ml 70 25 13 dated 17th October 1925

Under Rule (10) of the Rules for the election of Presidents and Vice Presidents of Town and Minor Municipal Councils issued with Notification No L 6342—Ml 56 24 233 dated the 28th February 1925 the election of Mr Malkappa as Vice President of the Minor Municipal Council Jagalur is approved.

No L 2680— Ml. 70 25-11 dated 15th October 1925

Under Rule (10) of the Rules for the election of Presidents and Vice Presidents of Town and Minor Municipal Councils issued with Notification No L 6342—Ml 56 24 233 dated the 28th February 1925 the election of Mr Hobamatada Chennappa as Vice President of the Harihar Municipal Council Chitaldrug District is approved

No L 2680—Ml 70-25-12 dated 15th October 1925

Under Rule (10) of the Rules for the election of Presidents and Vice Presidents of Town Minor Municipal Councils issued with Notification No L 6342—Ml 56 24 233 dated 28th February 1925 the election of Mr Khaji Samnad Sahib as Vice President of the Municipal Council Mal bennur Chitaldrug District is approved

By Order
B NAGAPPA
Secretary to Government,
Local and Legislative Departments.

MYSORE CITY IMPROVEMENT TRUST BOARD

Notification No L 0/ 1925 26

Whereas it has appeared to the Board of Trustees for the Improvement of the City of Mysore that by acquiring the undermen tioned properties for the purpose noted against each of them further improvements can be made in the locality in which they a e situated it is hereby notified in accordance with Section 16 (1) of the City of Mysore Improvement Regulation III of 1903 that the Board have resolved to acquire the said properties

The plans and statements showing the extent of land etc required for the proposed improvements may be seen in the Chairman s Office located in the Rangacharlu Memorial Hall Mysore durin g office hours

The following are the particulars of the properties to be acquired —

Survey No.	Hobli	Block No.	Door No	Name of the owner and details of land	Boundaries				Remarks
					East	West	North	South	
1		4	70	Venkatappa— Land 42 x 20 — 93 square yards with structure thereon	Lane	Palace land	Lane	Palace land	
		5	706	Ramnsamy Pillay— Land 24 x 25 —67 square yards with structure thereon.	Lane and open land	Do	Venkatappa s house	Lane	Insufficiency
1B		6	707	Malappa alias Kariyappa— Land 33 x 30 } —484 square 66 x 51 } yard with struct th reon	Lane	Do	Palace land	Ponnusamy Pillay's house.	

N MADHAVA RAO,
Chairman.

KADUR DISTRICT

Notification No L B 181—25 26 dated 10th October 1925

It is hereby notified for the information of the public that owing to a heavy landslip in 8th furlong of the 11th mile in the Kalasa Balehole-Magundi Road between Balehole the Bhadra river the said road will not be fit for through traffic of any kind till the 1st January 1926

C. SRINIVASA RAO
For *President*

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.
GENERAL AND REVENUE SECRETARIAT.

No. L 3981 / Jud-68-26-4 Dated Bangalore, the 17-12-26 1926

From

B NAGAPPA, Esq., BAR-AT-LAW.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Local and Legislative Departments,
BANGALORE

To

The Deputy Commissioner.

Sir,

With reference to your D.O. letter No.C.702 dated the 10th December 1926 in re. the Tumkur election of President and Vice Presidents of Town and Minor Municipalities, I am directed to inform you that orders were passed after full deliberation and consultation, that each Municipality should act on its own discretion until the amendment is passed, taking its own legal advice if necessary; and that the Government Advocate need not be addressed again in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- B. Nagappa,

Secretary to Government,
Local and Legislative Departments.

Memo. No.L. 3982-8

Dated, Bangalore, the 17 December, 1926.

Copy of the above is forwarded with compliments to the Deputy Commissioner, Tumkur District, for information.

By Order,

For Secretary to Government,
Local and Legislative Departments.

RD from the Dy. Commr. Tumkur 17/12/26

8281 20/12/26

D.O. No.

MUNICIPAL AND LOCAL BOARDS

No L 6342—Ml 56 24 283 dated 28th February 1925

Under Clause (c) of the Sub-Section (2) of Section 23 of the Mysore Municipal Regula 1906 as amended by Regulation V of 1918 and in supersession of the existing rule subject, the Government of His Highness the Maharaja are pleased to make the follow to regulate the election of the President and the Vice-President of a Town or Minor Council when the Government shall have directed that one or both of these office be elected by the Council —

(1) The election shall take place —

(a) if the privilege of election is granted during the term of an existing Council at a meeting of the Council held not later than two months from the date of the Government Order granting the privilege

(b) when an elected President or Vice President vacates office on the expiry of his term of office at a meeting of the Council held not later than one month from the date of occurrence of the vacancy

(c) in the case of a reconstituted Council enjoying the privilege at a meeting of the Council not later than one month from the date of the reconstitution

(d) when the office of an elected President or Vice President becomes vacant under Sub-Section (7) of Section 23 of the Regulation at a meeting of the Council held not later than two months from the date of occurrence of the vacancy and

(e) when a fresh election is ordered under Rule 10) *infra* at a meeting of the Council held not later than two months from the date of such order

Provided that at least fifteen days and not more than twenty days notice of every meeting shall be given during the said period of one or two months as the case may be, the President for the time being or in his absence by the Vice President or in the of both of them by the Chief Executive Officer of the Municipal Council

(2) Every candidate for the office of President or Vice President shall be nominated the issue of such notice by at least two non official members of the existing or reconsti Council as the case may be in the following form which shall be sent to the Chief utive Officer of the Municipal Council at least seven days before the date of the meeting which the election is to take place

Municipality of

We the undersigned nominate as a candidate for the of President or Vice-President at the election to be held on the day 192

Date

Signed
Signed

(3) The names of candidates shall be notified at the Municipal Office at least five days before the day fixed for holding the election

(4) The voting shall be by ballot and the election shall be decided by a majority of of the Councillors voting at the meeting provided that the number of non official illors present shall not be less than half of the total number of such Councillors

No Councillor who is a Government servant and no candidate nominated for the office take part in the ballot But a candidate may withdraw his candidature at any stage or without the consent of his nominators and if he does so he shall then be competent take part in the ballot

(5) The following procedure shall be adopted in conducting the election —

(a) If only one candidate has been nominated there shall be no balloting and such candidate shall be deemed to have been elected provided that the number of non official Councillors present shall not be less than half of the total number of such Councillors.

(b) If two or more candidates have been nominated the votes shall be recorded as follows —

Every Councillor wishing to vote shall at the meeting write on a slip of paper the the candidate he wishes to be elected to the office of President or Vice President place the same in a box so constructed that papers may be placed therein but not extra without the box being opened The Presiding authority shall then open the box and the votes in the presence of the Council Any ballot paper on which the names of candidates than one are retained shall be invalid

(c) If there are only two candidates and both of them have secured an equal n of votes the proceedings shall be closed

(d) If there are more than two candidates and no one of them has secured a of votes required by Rule (4) the ballot shall be repeated At each su ballot the candidate who obtained the fewest votes at the preceding shall be eliminated and he shall then be eligible to vote If two or candidates lowest on the list have obtained an equal number of separate ballot shall be taken in order to decide which of them should eliminated The elimination shall if no candidate secures the pr majority of votes be made until two candidates only are left If the candidates left after the elimination secure an equal number of votes the shall not be further repeated

(e) If only one candidate has been nominated and he is deemed to have been e under paragraph (a) *supra* or if as a result of the ballot any one of the dates has secured a majority of the votes as required by Rule (4) the of such candidate shall not take effect until the Government have noti approval of the same

(6) The result of the election shall be declared at the meeting immediately by presiding authority and communicated by him without delay to the Deputy Co of the District along with the minutes of the proceedings of the meeting with the the Councillors present

(7) The validity of election may be contested by a petition signed by at least Councillors and not otherwise provided that such petition shall reach the Deputy Collector within seven days from the date of the election and shall allege specific grou setting aside the election on account of material irregularity in the conduct thereof

(8) Upon receipt of such petition the Deputy Commissioner shall enquire per or by some other officer deputed by him not below the grade of an Assistant Commi into the validity of such objection or objections

(9) When seven days from the date of election have expired or if any such p as is described in Rule (7) above has been received then upon the conclusion of the into the validity of such objection or objections the Deputy Commissioner shall report proceedings together with his opinion to Government who shall pass such orders as may think fit

(10) The election shall be subject to the approval of Government In the no election being made within prescribed period, in the event of an election held disapproved by Government or in the event of two candidates securing an equal votes, Government may appoint the President or Vice-President as the case may may order a fresh election

By Order
B NAGAPPA,
Secretary to
Local and Legislative

CONFIDENTIAL

D.O No. SI- 1022-27 Encl 16 as per list

2735 Ed 16/12/27

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT

Dated Tumkur, 17th December 1927

Dear Sir,

(1) I beg to forward herewith a file of papers relating to the enquiry conducted by me about the - allegations made against Mr C Krishna Rao, the late President, and Mr T Guruchannabasavaih, the late Vice President of the Tumkur Municipality in respect of their management of the last General Election to the said Municipal Council The former was the - Returning Officer on whom devolved the preparation of the voters' lists and the actual management of the Election.

LAG DD(2) As the proceedings of the public meeting held in Tumkur on the 4th October 1927 which was - received with your letter under reply, did not contain particulars of the irregularities alleged, I obtained details from Messrs - C Lakshamma Rao and Nabi Khan who are mentioned in the proceedings as the persons who had preferred complaints in the matter They are placed in the file (Flag A.).

(3) I scrutinised the Municipal office records relating to the preparation of voters' lists and made enquiries of the officials who attended to the work in the Municipal Office Thereafter, I prepared a note showing the irregularities apparent in regard to which explanation was necessary A copy of the note was furnished to Messrs - C Krishna Rao and T Guruchannabasavaih, and the entire records including the statements of Messrs - Nabi Khan and Lakshma... Rao were made available to them for inspection Their remarks thereon were also invited [illegible] have furnished

LAG EE.

furnished their statements which are marked " B B. and C C " I have prepared a copy of Mr Krishna Rao's statement in half margin and have recorded my remarks against the explanations I have similarly noted in the margin of Mr Guruchannabasavaih's - explanation the remarks that I have to offer

lag LL.

(4) Mr Krishna Rao in his explanation has observed that no objections were preferred in time in respect of the irregularities in the election proceedings and that consequently such objections should not be - entertained or considered now The scope of the - present enquiry is not the modification of the voters' lists or the revision of election results in view of the irregularities alleged or apparent The scope of the present enquiry is whether the Returning Officer acted in conformity with law in preparing the voters' lists and whether there was any non-feasance or mis-feasance in this respect The question when the irregularities was noticed or complained of is - irrelevant for this purpose

(5) It is unnecessary to recapitulate all that has been said in the note, the explanations of the - Returning Officer and the Vice President, and my remarks on the explanations For a clear and full statement of the case, I beg to suggest a perusal of my note and next a consideration of the explanations along with my marginal notes The different irre - gularities observed have been dealt with separately I may however give below a brief summary of the case

(6) The main allegations relate to --

(a) The preparation of voters' lists (Preliminary)

(b) The publication of the lists

(c) The revision of the preliminary lists on the basis of time-barred applications

& (d) Additions to, and alterations in the list as finally approved by the municipal Council

(7) As regards (a) the voters' lists have not been prepared in a careful and satisfactory manner They were not prepared with reference to either the last Representative Assembly Election list which is the most recent one or the previous Municipal election list Neither has the list been prepared after correctly understanding the new changes in the Law I have in my note given the instances where the Law has been misapplied Even persons who are entitled to vote both under the old and the new rules have been denied the right of exercising the franchise - see para 14 of my note and also - para 8 of Mr Krishna Rao's explanation and my - remarks thereon There are in order exclusions from the preliminary list which are of three kinds The first one relates to voters who were not included in previous lists, but who were entitled to be put on the new lists and yet who were not included owing to lack of a clear understanding of the - rules The second class relates to voters who were in the previous lists but who were left out of the new lists although qualified The third class relates to voters who were put on the preliminary

preliminary lists as prepared by the Bill-Collectors but who were excluded on insufficient grounds In regard to exclusions of the first two classes, there is negligence clearly apparent As an example of the first class, there is the case of the gentleman who presided over the public meeting, who alleges that he is entitled to be put on the list as a pensioner In regard to the - second class of cases, there is the case of Lr R S Raghavan who was on the Representative Assembly list and who is qualified to be a voter, as an income-tax assessee and as the occupant of a - building paying the required amount of house-tax If the lists were prepared on the basis of previous lists or on the basis of adequate enquiry his name would not have escaped being included So far it is a case of negligence The third group of cases shows misfeasance in as much as persons - entitled to be put on the list and who were in - cluded by the Bill Collector, were removed from the list by the Vice President and the Returning - Officer As instances of this kind there are the cases of Ameera Begum and five voters of - Siddalingaiyyanapalya who are paying the required amount of cart-tax in their own names Then again, there are the cases of improper inclusion of names in wrong divisions There is the case of Mr A A Khan whose name was rightly included in the 5th Division but was wrongly transferred to the 9th Division of which the Returning Officer was the elected member before and is the Sitting member now

(8) As regards (b) the publication o the preliminary list has been inadequate Quite apart from the publication in the Municipal office, in regard to the date of which there is considerable uncertainty, the only voluntary publication on the part of the Returning Officer has been the publication of each ward-list to the Sitting Member I have indicated in my marginal remarks on the Returning Officer's explanation that the publication was not as wide as on the previous occasions or even as much as the publicity given to the final list, on the present occasion It is the inadequate publicity which aggravates the irregularities referred to in the previous para If there was adequate publicity there would be no room for complaint as persons affected would have had opportunity of knowing the real position and getting any mistakes or omissions rectified by applications made in proper time

(9) As regards (c)(the revision of preliminary lists on the basis of time-barred applications), there were in all six applications for inclusion of 54 names Two related to the 1st Division, one to the Second Division t o to the Fourth Division and one to the Fifth Division The consideration of these time-barred applications was improper as neither the Returning Officer nor the Council had the authority to excuse the defect of limitation It may reasonably be presumed that the names suggested by the me bers would be of those who were interested in them and were likely to vote for the proposers The action taken in this respect must presumably have benefitted the Sitting Members

Taking this along with the special publicity of the voters' lists given to the Sitting Elected members, it is clear that the Sitting Members were put in an advantageous position as compared to that of new candidates for election

(10) As regards (d) (alteration of addition to the final list) the condition of the records makes it difficult to judge the position correctly There is nothing on record to show what exactly was the condition of the list as finally approved by the Council It will be noticed that the charges of adding to or altering the list is made by - Messrs - Nabi Khan and Ranganagar who were - members of the Council that approved the list The preliminary list is initialled by the Returning Officer, but the additions made to this after the meeting, remain unattested The necessity for attesting the additions to the preliminary lists is apparent as without such a precaution there is nothing to prevent unauthorised addition The explanation offered by the Returning Officer for this omission - see para 7 of his explanation - is not adequate The resolution of the Council is very vague on the point There is however a clear case of alteration which cannot be and in fact which is not denied i e the transfer of Mr Pattabhiramayya's name from the 1st Division to the 3rd Division The list as approved in Council does not contain this change It was clearly made in the printed list by the Returning Officer This was grossly improper, as the list as approved

by

by the Council, whether right or wrong, was final

(11) There is the next case of the 5th Division in which additions are alleged to have been made to the list as approved by the Council As regards this, I beg to invite reference to para 18 of my note, which contains the facts The explanations offered by the Vice President and the Returning Officer on this point are not exactly identical The former says that there was no such addition but the Returning Officer's explanation does not go so far Mr Krishna Rao says that " if some names were left out and then when proof was - corrected, the mistake rectified there could be no fraud" The question is whether the list - furnished to the Press for printing was added to If it was added to was it only the rectification of an omission in the preparation of the copy sent to the Press, or was it a case of fresh addition? That the list furnished to the Press was added to is, I consider, sufficiently clear There is the evidence of Vitoba Rao, Printer and also that of Ramanna Imputations of ill-feeling have been made against them by the Returning Officer and the Vice President There are however certain surrounding circumstances which support the version given by these two individuals The printer has produced the proof prepared out of the list which contains only 58 names The list furnished to the Printer and now produced by the latter shows that the last four names are additions More than all in the preliminary list as revised by the Municipal Council the same four names appear in ink different to that of the rest of the entries The additions to the

this list have all been made on the strength of a single application presented by Mr Mir Hussain In adding names furnished in one list why should there be difference of ink as the entries would normally have been made at the same time? Again why should there be any omissions, either in - revising the preliminary list or preparing a copy for the Press It is here the non-attestation of the revised list makes matter doubtful and it becomes difficult to express any definite opinion No doubt the application given by Mr M Hussain contains all the names but it is not initialled by the Returning Officer The papers relating to this incident are thus not free from suspicion

(12) From a perusal of the foregoing paragraphs, it will be seen that there has been negligence, carelessness and violation of election rules on the part of the Returning Officer and the Vice - President Some notice thereof appears necessary

(13) The circumstances relating to this case show how necessary it is to require that Municipalities which are given the right of electing their - Presidents should have an Executive Officer of sufficient standing and experience who will see that proper action is taken in conformity with Law and who can be held responsible for negligence or mistake I beg respectfully to commend this suggestion for the consideration of Government

Yours sincerely,

M V Chantoramam

Rao, Esqr , B A , B L ,
to

D O No 3058

AND REVENUE S ARIAT,

Bangalore 26/11/27

Dear Mr. Anantaraman,

I am desired to invite reference to your D.O. letter No L 1-1022-1927 dated 11th November 1927 in the matter of enquiry held regarding certain irregularities in the course of the general elections in Tumkur Municipality and to request you, if the enquiry has been completed, to forward your report immediately

Yours sincerely,

To

K.V. Anantaraman, Esq., B A.,
Deputy Commissioner,
T U M K U R

D O No. L - 6022-26

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT

Dated Tumkur, 28th November 1927

Dear Mr Venkatesaiengar,

I am in receipt of your D O No L 3058 dated 26th instant

I have just completed the enquiry, the explanation of the Vice President having been received only two days ago I shall submit my report to Government in three or four days

Yours sincerely,

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read —

Correspondence ending with letter No.AV-348/37-38 dated, the 11th November 1937, from the Deputy Commissioner, Tumkur District, reporting on the results of the election to the office of President and Vice President of the Municipal Council, Tumkur Town as newly constituted.

2. Correspondence ending with letter No.SI-1022-37 dated, the 7th December 1937, from the same officer reporting on certain objections taken to the above election.

ORDER NO.I. 36 50 Judy-27-21 Ex Secretary Asst Secretary

Dated, Bangalore, the 21st December 1937. by delegation 22

Government regret that they are unable to approve of the election referred to above and are pleased to direct that a fresh election be held.

Dtd

For Chief Secretary to Government.

To

The Deputy Commissioner, Tumkur District, (returning the records as per list enclosed)

K.H.R.S. 21/12. x Last despatched in a Registered cover

LIST OF ENCLOSURES ACCOMPANYING LETTER No 1-10 --
DATED 7-12-1927 ADDRESSED TO THE GENERAL SECRETARY TO THE
GOVERNMENT OF MYSORE, BANGALORE

--CO--

(1) Proceedings of a Public Meeting of the Rate Payers of Tumkur held on 4th October 1927

(2) Messrs - Lakshmana Rao's and Vasudevan's statements dated 27-10-1927

(3) Note dated 7-11-1927 prepared by the Deputy Commissioner Tumkur District on the irregularities in the conduct of the last General elections to the Tumkur Municipality

(4) Copy of Mr C Krishna Rao's letter dated 16-11-1927 with the marginal remarks of the Deputy Commissioner

in file I

(5) Mr C Krishna Rao's letter dated 17-11-1927 in original

16 in No 2

(6) Mr T Guruchannabasavaih's letter dated 26-11-1927

(7) Statements of the municipal officials and Printer Vitoba Rao

(8) Clean copy of the voters' lists of the 1st 2nd,3rd 4th and 5th Divisions and voters produced by Vitoba Rao

(9) Municipal office copy of the endorsement No 161/26-27 dated 6-5-1927 granted to Mr M Gangappa

10) Applications for changes of khates

11) Tumkur Town Election File for the year 1927-28

12) -do- 1913-14

13) -do- 1921-22

14) -do- 1923-24

15 Tumkur Town Representative Assembly Election file

16) Book containing the printed co of t c ot rs lists of the Tumkur Town Municipality for the year 1927-1928.

DEPUTY COMMISSIONER
TUMKUR DISTRICT

AD 9/12

9/11/27

17) The records connected with Rev appeal 8/27-28 in the Court of Asst Com Gubbi Sub Divn